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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF KATE MARSHALL**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, Kate Marshall, declare:

1. I am an investigator in the Federal Public Defender's Office, District of Oregon.
2. On January 13, 2014, at approximately 11:40 a.m., I spoke on the telephone with Clackamas County Jail Service Technician Jennifer. I asked if Brian Tuckenberg, date of birth 09-28-1977, was in the Clackamas County Jail in 2002. Jennifer informed me that Mr. Tuckenberg was not in custody in Clackamas County in 2002. She said he was, however, in the Clackamas County Jail in 2006, 2007, and 2011, but not in 2002. She confirmed that the database for the computer would include 2002.
3. On January 13, 2014, at 11:58 a.m., I sent an email to Oregon Department of Corrections' Offender Information and Sentence Computation Specialist Mary Jenkins. I asked if Brian Tuckenberg, SID #15637725, was in state custody in 2002. Ms. Jenkins responded via email at 3:01 p.m. that Mr. Tuckenberg was not incarcerated in prison in Oregon in 2002. In addition, she attached a PDF of the "Corrections Information Systems Admission and Release History," which indicates that Mr. Tuckenberg was incarcerated in an Oregon state prison for the first time in 2010.
4. On January 13, 2014, at approximately 3:30 p.m., I spoke on the telephone with Facility Security Unit Officer Davis at the Multnomah County Detention Center. I asked if Brian Tuckenberg, SWIS #689801, was incarcerated in Multnomah County in 2002. Officer Davis informed me that Mr. Tuckenberg's first booking in Multnomah County was on December 31, 2004.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 27<sup>th</sup>, 2014.

  
\_\_\_\_\_  
Kate Marshall

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

LISA MARIE ROBERTS,

Case No. 3:08-cv-01433-MA

DECLARATION OF AARON WILLIAMS

Petitioner,

vs.

NANCY HOWTON,

Respondent.

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I, Aaron Williams, declare:

1. I have been asked to provide this declaration in Lisa Roberts' habeas corpus case.



2. In, I believe, early 2001, I was living with my mother at the Madison Suites motel in Portland. The motel was set up with a number of different apartments, with a maintenance man who lived on site. In one unit there was a pimp named Brian, who also used the nickname "Mississippi" who lived with his "bottom" (number one prostitute), who was a girl named Felicia (who went by the name "Pleasure").

3. I have been shown a number of pictures of people from that period and have identified Brian Tuckenberg, a pimp who lived at the Madison Suites, and a number of other people who were also part of the 82<sup>nd</sup> Street gang. That gang operated at the time on 82<sup>nd</sup> Ave between Fremont and Flavel Streets. The attached pictures are of Brian Tuckenberg (Mississippi) and Ed Mills, the Madison Suites maintenance man.

4. One of the main gang members was Demetrius Batchelor, who was my best friend at that time. I was not a member of the gang, but knew the people involved. The gang generally ran the Madison Suites and you could basically get whatever you wanted there. The 82<sup>nd</sup> street crew was mainly involved in drugs and prostitution, but different people had different designations.

5. From the time that we first moved into the Madison Suites in early 2001, Brian Tuckenberg tried to recruit my mom to be one of his prostitutes. He said to me once: "I know what your mom does" and I responded to him "that does not mean that she had to do it for you." I was totally aware that my mother worked as a prostitute and at clubs and I did everything I possibly could to protect her. I told Brian to back off but he was very persistent in an annoying way because he wanted to add my mom to his roster. It was clear that Brian was pissed off that my mom would not do what he wanted. I know that pimps can often turn to violence if they can't get what they want using "sweet talk."



6. Brian's attempts to get my mother to be his prostitute carried on from early 2001 up until approximately the end of July 2001, when I returned home to find Brian with my mom in the corner with his hands on her shoulders. I don't know exactly what he said to her but it was obvious that he was again trying to get her to prostitute. I was with Demetrius Batchelor and we took Brian outside and beat him up.

7. Shortly after that I got into an argument with Frank Evans, who was one of my mom's boyfriends, and my mom got involved in it and I ended up being sent to juvenile. I am sure that Brian saw it as a sign from heaven that I was sent to jail because he would try to get my mom to weaken and because I was not there to protect her.

8. My mom had a number of older male friends who were regular "johns." One of those was Ed Mills, who was the maintenance man at the Madison Suites.

9. I also know that mom had a friend named Kathy who lived at the Madison Suites.

10. Sometime after my mother's body was found, I was contacted my probation officer and asked to come in to talk to detectives. I did and was questioned by police for approximately 3-4 hours about my mother's murder as a potential suspect. I provided an alibi, which detectives checked out.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on February 5, 2014.

  
Aaron Williams

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Brain ar  
"Mississippi"  
He was Kelia's  
pimp. Lived at  
Madison sister



Alan T.

Believe was  
the maintenance  
man at  
Madison Suites





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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF DASH TERRY**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, Dash Terry, declare:

## INTERVIEW OF TRAVIS SMITH

1. On January 9, 2014, I interviewed Travis Smith, who has known Brian Tuckenberg since Tuckenberg moved to Oregon from Mississippi. Tuckenberg calls Mr. Smith "Uncle Travis." Mr. Smith told me that Tuckenberg was basically homeless.

2. Mr. Smith told me that Corey Hull and Jeremy Ralls approached him at Walgreens recently and said that they had information about Tuckenberg killing a woman. They said an ex-girlfriend of Tuckenberg's had information on the murder.

3. Mr. Smith said that Tuckenberg had legal trouble in Mississippi and wouldn't go back there.

4. Mr. Smith told me that he witnessed Tuckenberg beating up Rhiannon Miller at his house and that Mr. Smith stepped in and kicked Tuckenberg out. Mr. Smith told me that Tuckenberg wouldn't stop hitting Rhiannon until Mr. Smith physically stopped him. Mr. Smith warned Rhiannon Miller that she was in a bad situation with Tuckenberg and should get away from him.

5. Mr. Smith said that Tuckenberg used women and would become aggressive when he drank or used drugs. In fact, the first time Mr. Smith introduced Tuckenberg to Mr. Smith's wife, Tuckenberg sexually assaulted her.

6. Mr. Smith told me that Tuckenberg would hang out at the Madison Suites.

## INTERVIEW OF JEREMY RALLS

7. On January 13, 2014, Tricia Leishman and I interviewed Jeremy Ralls. Mr. Ralls said he had information about a murder that Brian Tuckenberg had committed. I asked if I could come in and show Mr. Ralls and his friend some pictures and Mr. Ralls agreed.

8. Mr. Ralls told me that he is a close friend of Rhiannon Miller's, and he has known her since high school (or since he was 18). Mr. Ralls' best friend was Ms. Miller's brother, who committed suicide. Mr. Ralls said that five months ago Ms. Miller told him that federal investigators were trying to get in touch with her. Ms. Miller told Mr. Ralls she knew what it was about. Ms. Miller told Mr. Ralls that once when she was being assaulted by Tuckenberg, that Tuckenberg told her "I'll choke you like I did that last bitch."

9. I asked about the Madison Suites Motel, and Mr. Ralls said that Tuckenberg rented out rooms there. He also said there was a heroin addict named Kitty or Kat that lived at the Madison Suites. Tricia Leishman showed Mr. Ralls a packet of pictures and he recognized the picture of Tuckenberg. Mr. Ralls also said Tyson Nettles looked familiar.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 24, 2014.



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Dash Terry  
Investigator, Federal Public Defender

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FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF ALLISON  
JOHNSON**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, Allison Johnson, declare:

1. I met Brian Tuckenberg during the summer of 2003. Specifically, it was several days after a camping trip taken over the 4<sup>th</sup> of July weekend in 2003, when we first met. I met Mr. Tuckenberg through a friend, who had met a friend of Mr. Tuckenberg's using a telephone chat line. Mr. Tuckenberg and I were in a relationship until approximately <sup>the spring of 2005</sup> 2005. At times, Mr. Tuckenberg lived with me at my apartment.

2. At some point during the summer of 2003, I travelled to Kelley Point Park with Brian Tuckenberg. I wanted to go a place with a beach. Mr. Tuckenberg and I were near the Steinfeld's pickle factory, which is now closed. I suggested that we go to the beach at Kelley Point Park and Mr. Tuckenberg said, "Oh, you mean Terminal 6?" Mr. Tuckenberg was driving us in his red Oldsmobile. He then drove us directly to Kelley Point Park. I believe that Mr. Tuckenberg had been at the park before because he knew the location of the park and how to get there.

3. Mr. Tuckenberg drove us to the park, and we proceeded in the car to the parking lot that is located closest to the restroom, which is the north parking lot, because I had to use the restroom.

4. After he stopped the vehicle, we exited and I proceeded to the restroom. After using the restroom, we walked along the path in Kelley Point Park to the beach at the north end of the park, along the Columbia River. As we walked along the path, Mr. Tuckenberry said, "This is nice."

5. When we arrived at the beach, I noticed that Mr. Tuckenberry was looking in the direction of a barge that was parked at a dock across a small bridge that extended from the property located adjacent to the park. Mr. Tuckenberry asked me why the barge was there and I told him I did not know, suggesting he ask the property's owner, because there was a small shack on the property I thought might be an office. I thought this was a strange thing that Mr. Tuckenberry asked me and I did not understand why Mr. Tuckenberry was so concerned about the barge.

6. We then proceeded to walk down the beach to an area near where the Columbia River and Willamette River intersect. We sat on a log for about 10 or 15 minutes until Mr. Tuckenberry said, "This is not the kind of beach I want to be at." I understood this to mean that he would prefer to be at an ocean beach, not a river beach.

7. At this point, we returned to the car. I then drove us home in Mr. Tuckenberry's car, back to my apartment.

8. I was not under the influence of drugs or alcohol on this date, and I do not believe Mr. Tuckenberg was, either.

9. During the period of time that Brian Tuckenberg and I were together, Mr. Tuckenberg continued to have a relationship with a young woman named Ashley Davis, who was 15 or 16 years old at the time. I believe Mr. Tuckenberg was engaged in an ongoing sexual relationship with Ms. Davis.

10. There were several times when Ashley Davis came over to my apartment with Brian Tuckenberg. Once, I found them in bed together. I had left my apartment, and when I returned Brian Tuckenberg and Ashley Davis were in bed together and both were naked.

11. On one occasion, I observed that Ashley Davis had a black eye. On this occasion Ms. Davis and Mr. Tuckenberg arrived at my apartment together. I believe that Ms. Davis's black eye was caused by Brian Tuckenberg.

12. During the time I knew Brian Tuckenberg, he sold drugs. Specifically, Mr. Tuckenberg sold crack cocaine. Additionally, Mr. Tuckenberg provided crack cocaine to Ashley Davis. I do not know whether Mr. Tuckenberg gave or sold drugs to Ashley Davis, but Ms. Davis received ~~her~~<sup>My</sup> drugs from Mr. Tuckenberg.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 28, 2014.

  
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Allison Johnson

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF ANDREA BUNCH**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, Andrea Bunch, declare:

1. I first met Brian Tuckenberg in 2004 when he worked at the drive-through window at McDonald's on NE 82<sup>nd</sup> Avenue near Madison High School. We were together for seven years and he abused me the whole time. Three to four weeks after I met Tuckenberg he quit his job at McDonald's. I understand he worked there for about a year. I remember him wearing a uniform. He was fired for not showing up to work. He received unemployment.

2. In 2004, Tuckenberg was selling drugs and picking up females and having them prostitute. Kiki (LNU), who was 18, and Cassandra (LNU), who was 17, both worked as prostitutes for Tuckenberg. Tuckenberg also prostituted a woman named Rhiannon (LNU) who turned tricks in her house with her kids there. Tuckenberg would control the girls by giving them cocaine, alcohol, and hitting them.

3. Tuckenberg would post information about Kiki and Cassandra and "his girls" on Craig's List and on BackPage. I saw the ads because Tuckenberg used my computer.

4. At one point, Tuckenberg had five women working for him. I do not know all of their names.

5. About four weeks after Tuckenberg and I got together my parents invited us to lunch so they could meet him. My parents had done a background check on Tuckenberg and had a real thick file on him. My Dad confronted him about his record and Tuckenberg responded angrily. He had clenched teeth and his cheeks got flushed

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as my father read the different charges. Whenever Tuckenberg thought about that meeting he would hit me. I found out from my father's research that Tuckenberg had abused other people. Tuckenberg told me what he had done to others. He said he would hit the women and if they didn't fall he would kick them in the belly. He also told me that he had sent some of his victims to the hospital with broken arms, fractured legs and broken ribs.

6. When I was 22, I told Tuckenberg that I was pregnant and he immediately kicked me so hard in the stomach that it left a footprint. Tuckenberg said to me that it wasn't time for us to have a baby. I miscarried in the bathroom of our apartment. Tuckenberg was high at the time. I have had four miscarriages and one abortion during my time with Tuckenberg.

7. Tuckenberg would hit me on both sides of my head and in places where others couldn't see the abuse. He fractured both sides of my jaw, but would not allow me to go to the hospital. Once, when we were in the car and I was on my cell phone trying to call my church to try to get financial assistance Tuckenberg was trying to talk to me. I put my finger up to get him to wait. He then cold-cocked me in the jaw. At other times he has hit me hard enough on both sides of my head to knock me unconscious. I had minor concussions, welts on both sides of my head and bruised ribs. Tuckenberg has also hit me with a piece of wood and with sticks on the side of my

body. Tuckenberg would never want to leave visible marks because of my job and my parents.

8. Tuckenberg would hit the girls prostituting for him and cut up their clothes and underwear, even when their clothes were new.

9. In 2009, close to the time that James (Rhiannon's brother) died from an overdose, I tried to leave Tuckenberg. I had a bag packed but Tuckenberg said the only way I would leave was in a body bag or a stretcher. Tuckenberg said "I will choke you and kill you like I did the other bitch." That was the only time Tuckenberg ever said that.

10. During sex Tuckenberg would pull my head back by my hair and use both hands around my throat and would squeeze my neck, choking me. I would tell him no, but he would not stop. I would have trouble breathing and I was afraid he might kill me. The choking during sex would get worse throughout the relationship to the point it would be hard to breathe. I would be close to passing out and he would carry on with the choking until he climaxed.

11. I was afraid of Tuckenberg. He would choke me and hit me on both sides of my head. One time he started hitting me in the elevator, he stopped when we got to the hallway and he started in again when we got inside the apartment. Kiki and Cassandra tried to get him to stop. He put me in the bathroom, started beating them, and then

came into the bathroom and hit me some more.

12. When Tuckenberg raped, sodomized, and beat up Rhiannon he came back to our apartment with scratches on his face and blood on his shoes and shirt. Cassandra was also there at the time.

13. While Tuckenberg was in jail he had BT and E-Money watch me and they threatened to harm me if they saw me with another guy. The last time I spoke with Tuckenberg was 2011. I decided I didn't want any further contact with Tuckenberg. At the time, I called his lawyer and asked that I be taken off his contact list. I also asked his mother to let him know that I did not want to have any further contact with him. I am afraid of Tuckenberg. After I stopped contact with Tuckenberg, I was threatened by BT and E-Money. They said if they saw me with another guy or talking with the police they would kill me. I know that both of them carry knives in their pockets. They told me, "Mississippi has us following you to make sure you don't open your mouth about what you know about Mississippi or we'll kill you." I told Latisha, my LifeWorks counselor, everything about Tuckenberg's abuse and about the threats from E-Money and BT. I have told both Latisha and my landlady (who has a concealed weapons permit) about the threats from Tuckenberg. I have not told anyone that Tuckenberg claimed to have killed someone in the past because I was too scared.

14. Tuckenberg used to live at the Madison Suites Motel. After he moved out,

we would frequently visit his friends who still lived there, BT, E-Money, Shante, Keesha, Tonya, and the father of Shante's children who all lived there. The Madison Suites was a place to drink and get drugs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 27, 2014.

  
\_\_\_\_\_  
Andrea Bunch

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF RHIANNON  
MILLER**

**vs.**

**NANCY HOWTON,**

**Respondent.**

---

I, Rhiannon Miller, declare:

**Page 1 -DECLARATION OF RHIANNON MILLER**



Exhibit 9  
Page 1



1. I have been asked to provide this declaration to discuss my recollection of Brian Tuckenberry, who I was in a relationship with for approximately two years, up until April, 2010, when he attacked me, with his hands around my neck, to the point that I thought he was going to kill me. I pretended to be unconscious and remember him putting his fingers under my nose to check my breathing. This attack was one of many different assaults I suffered during the relationship with Brian Tuckenberry but was the point at which I finally was able to break up with him.

2. Then in June, 2010, after I had done everything I could to get away from Mr. Tuckenberry, he forced his way into my home, physically abused me and raped me while my children were in the next room. I did everything I possibly could to try and stop him, including scratching and biting his face but was unable to prevent him from raping me. I immediately reported this attack to the police and Mr. Tuckenberry is currently in custody having been convicted of that rape.

3. During the course of my relationship with Mr. Tuckenberry, he emotionally, physically, and sexually abused me on a routine basis. He would get angry with me for simple things such as leaving the room when I had been sitting next to him on the couch. It never took much for Mr. Tuckenberry to explode with anger and he would then assault me with his hands, balled fists, hot curling iron, shoes or whatever he could pick up. He would slap, kick and punch me. These assaults



happened so often during the course of our relationship that it became almost routine and Mr. Tuckenberg would not hesitate to assault me in front of others.

4. I remember the first time that I had sexual intercourse with Tuckenberg. During sex, Tuckenberg grabbed my throat and started choking me and said that "blonde girls like to be choked." I did not ask Tuckenberg to do that but I went along with it. Sometimes when he choked me during sex he went too far and I thought I would pass out.

5. I recall one particular incident that happened around the time that we went to St. Louis. In that incident Mr. Tuckenberg looked through a drawer that contained condoms and found that there were less than he was expecting. Mr. Tuckenberg blew up with no warning, threw me down on the bed so that I banged my head on the metal headboard and was on top of me. During that attack Mr. Tuckenberg said to me: "I'll do you like I did the others."

6. Tuckenberg has threatened to kill me on many other occasions and others have warned me that I should get away and that once he gets out of custody he will come looking for me.

7. During the time I was with Mr. Tuckenberg I heard from Travis Smith (friend) and David Brown (cousin) that Tuckenberg was on the run from something



big. Tuckenberg would never say what that was but I was led to believe it was something really big and it related to Brian hurting women.

8. I personally witnessed Tuckenberg physically attacking other women, including Andrea Bunch and a woman named Cassandra. I specifically remember that I found a pregnancy test at the apartment where we were and asked who was pregnant. Tuckenberg started yelling at Andrea and saying things like: "Would I touch your fucking ass?" and then he kicked her hard in the stomach.

9. Tuckenberg did not have any normal friends. He did have two associates named "BT" (Cecil Deshon Rayford aka Big Trigger) and "D Money" (Detrius Tremaine Rayford). Both of these associates did some very sick things together with Tuckenberg. I know that this included getting women to have three way sex acts with them and then robbing the women involved. Contact information for some of the women victimized in this way may be in my old phone, that I believe to be in the possession of the police.

10. I recall another incident where Tuckenberg was confronted by a woman I did not know, over Tuckenberg making a porn video of himself having sex with her and she was desperate to get the video back. Tuckenberg just laughed at the woman.

11. Tuckenberg had sex with other women, including prostitutes on a regular basis during our relationship and lied to me about it.



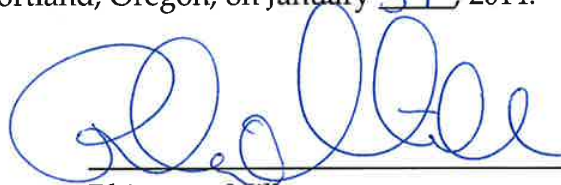
12. I know that Tuckenberg "knocked" women (recruited into prostitution) and looking back I now realize that he used me to help him do that.

13. I do not specifically know anything about Tuckenberg's possible involvement in the death of Jerri Williams. I have been shown a photograph of her son, Aaron Williams, and know that Tuckberry was friends with him and three times when I was out with Tuckenberg we ran into Aaron Williams and they were friendly.

14. I also know that Tuckenberg went to the Madison Suites motel, at least three times, because I remember going there and waiting outside in the car for him.

15. It has been difficult for me to come to terms with knowing that I had a relationship with a person like Brian Tuckenberg. When I first heard about this case I thought back to all of the things I had been through and realized that Tuckenberg, in my opinion, is capable of murder and that I may well have narrowly escaped being his victim.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 31, 2014.



Rhiannon Miller



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**FOURTH DECLARATION OF  
WILLIAM TEESDALE**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, William Teesdale, declare:

*hmw*  
2/10/04

1. The information contained in this declaration is provided to update the Court regarding my investigation work in the Lisa Roberts habeas corpus case, and is intended to supplement information provided in three earlier declarations.

**Primary Suspect - Brian Tuckenberg**

2. On December 26, 2013, FPD Paralegal Tricia Leishman and I met with Brian Tuckenberg at the Deer Ridge Correctional Institution in Madras, Oregon. At the outset of the meeting Mr. Tuckenberg almost refused to enter the visiting room but was persuaded to do so by the corrections officers who were supervising the visit. I provided Mr. Tuckenberg my business card and introduced myself, as did Ms. Leishman, and I attempted to explain our representation of Ms. Roberts. Mr. Tuckenberg was agitated, unwilling to sit down and spent approximately 5 minutes pacing back and forth across the room, talking very rapidly, to the point that it was difficult to understand him. Tuckenberg appeared to be saying that he did not know Lisa Roberts and knew nothing about the situation and therefore did not want to talk to us. Eventually the corrections officers informed Tuckenberg that he would have to make a choice and allow the interview to take place and sit down, or decide not to do the interview and leave.

3. Tuckenberg then decided to leave the interview room and spoke briefly with the Corrections deputies and came back in, sat down, apparently agreeing to the

*nm*  
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interview, although it was difficult to tell, given his highly pressured and rapid speech. A part of the meeting with Tuckenberg was audio taped until it became clear that Tuckenberg did not consent to the taping of the interview.

4. During the interview Ms. Leishman and I attempted to explain that we were in the process of contacting many people who had had contact with Jerri Williams, the victim in this case, Tuckenberg continued to interrupt, saying that he did not know the victim and he did not know anything about the case and might not even have been in the state of Oregon at the time. I showed Tuckenberg a number of photographs of people, including the Oregon Identification card picture of Jerri Williams, whom he again denied knowing. I also showed Tuckenberg a number of other pictures (approximately 6 or 7), including a number of known Tuckenberg associates, all of whom he denied knowing. At that point Tuckenberg said he did not want to look at pictures, that he did not know anything about it and that he did not know the woman (Jerri Williams), that he did not have sex with her and that he did not want to talk to us anymore without his lawyer. I asked Tuckenberg for the name of his lawyer but he said he would have his lawyer contact me. As I was gathering my documents to return them to my case, Tuckenberg was looking at the photographs as I put them away. In the process of gathering the pictures and returning them to my folder, Mr. Tuckenberg saw a picture of Jerri Williams' dead body at the crime scene that I had planned to show

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2/10/14



him. When Tuckerry saw the picture he was noticeably upset and said "what's that" several times and then looked away.

**Rhiannon Miller**

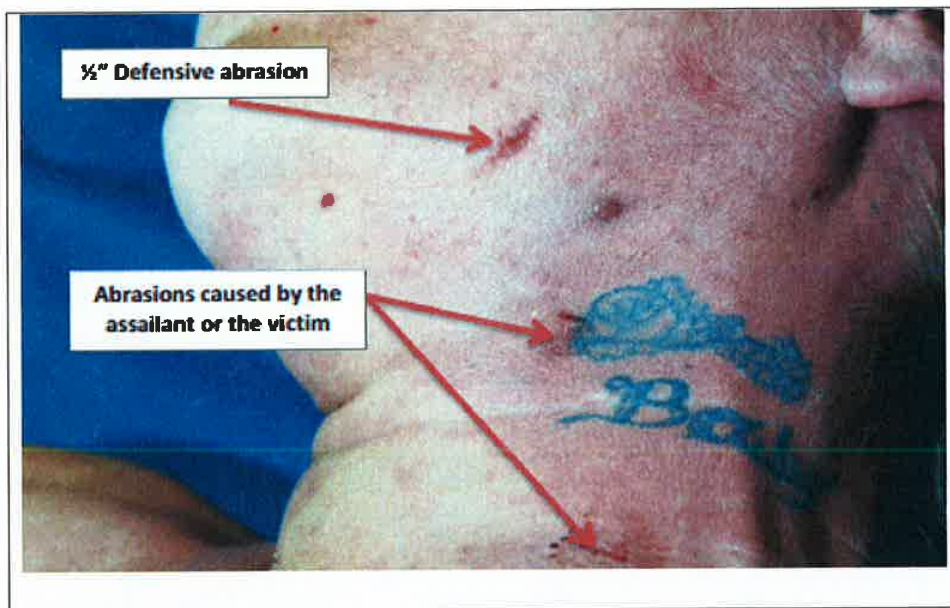
5. On January 23 and 24, 2014, I met with Rhiannon Miller to discuss her recollection of the two years she spent living with Tuckerry and the series of attacks that he perpetrated against her that culminated in Tuckerry breaking into her home and raping her in June 2010. In an effort to defend herself from Tuckerry, Ms. Miller recalls scratching and biting Tuckerry as she tried to fight him off. Although Ms. Miller was not successful in preventing the rape, her defensive efforts did result in clear injury being caused to Tuckerry's face, which was documented in photographs taken by the police department, two examples of which are inserted below:



Page 4 -FOURTH DECLARATION OF WILLIAM TEESDALE

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2/10/2014

6. In Dr. Propst's opinion the strangulation of Jerri Williams would likely have resulted in scratches and bruises to the assailant, resulting in the assailant's DNA being left on the victim (Propst 2 pages 6 and 9). This DNA would likely have been left under the victim's fingernails as she struggled to fight off the attacker. The discovery of Tuckenberg's DNA under Jerri Williams's left hand fingernails is particularly relevant given the "1/2 inch defensive abrasion" found by Dr. Propst on the victim's neck. Such an injury would likely have been caused by the victim trying to prise Tuckenberg's fingers away from her neck, causing Tuckenberg's DNA to be deposited under her fingernails. The photograph of the defensive injury and abrasions caused by the assailant or the victim is inserted below:



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7. Ms. Miller indicated in her statements and a sworn declaration that Tuckenberg had attacked her two months before the rape, choking her from the front with both hands around her neck to the point where she played dead in order to try and stop him. Similarly, Dr. Propst found that Jerri Williams was killed by "manual strangulation" by an assailant using two hands from the front, most likely in a "hand over hand" attack. (Propst 2, page 6). He also concluded that based upon marks found on the victim's thighs, that Jerri Williams was likely murdered during a "sexual assault or rape, that took place either directly before the strangulation or simultaneous with the strangulation."

8. Ms. Miller also said that Tuckenberg choked her with his hands a number of times during sex, including the first time that she was intimate with him. Sometimes Ms. Miller feared that he would go too far and that she might pass out.

9. During one of Tuckenberg's attacks on Rhiannon Miller she recalls him making the statement "I will do you like I did the others." Looking back, Ms. Miller told me that she believes that Tuckenberg is capable of murder and that he could quite easily have killed her.

#### **Andrea Bunch**

10. On January 27, 2014, I met with Andrea Bunch, together with Investigator Janan Stoll and Investigator Cynthia Hamilton to discuss Ms. Bunch's relationship with

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Tuckerry.

11. During the meeting with Ms. Bunch she recounted details of the seven year relationship she had with Tuckerry, including prostitution, beatings, broken bones, and a variety of other assaults. During one attack when Tuckerry was high he kicked Ms. Bunch so hard in the stomach that she miscarried in the bathroom.

12. Ms. Bunch corroborated the information provided by Rhiannon Miller about Tuckerry choking during sex. Ms. Bunch describes Tuckerry pulling her head back by the hair and squeezing her neck with both hands to the point she was afraid he would kill her. Tuckerry would not stop choking until he had reached sexual climax.

13. When Ms. Bunch tried to leave Tuckerry in 2009, he told her that the only way she would leave was in a body bag and that he would "choke her and kill her like he did the other bitch."

14. Both Miller and Bunch provide detailed information about Tuckerry's involvement in pimping prostitutes during their entire involvement with him. That information is corroborated by numerous Portland police reports detailing Tuckerry's involvement with trying to engage juveniles in prostitution and his association with other pimps. Ms. Miller and Ms. Bunch indicate that Tuckerry's associates ("BT" -Cecil Deshon Rayford and "D Money" - Detrius Tremaine Rayford)

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are both pimps and extremely dangerous. Cecil Deshon Rayford ("BT") is currently in prison serving a sentence for Rape 1 that he committed against a female stranger in June 2011.

### **Aaron Williams**

15. Tricia Leishman and I met with Aaron Williams on February 5 & 6, 2014, to discuss his recollection of events surrounding his mother's murder. Mr. Williams identified a picture of Brian Tuckenberg, as a pimp living at the Madison Suites motel. Mr. Williams recalled that Tuckenberg had made repeated efforts to recruit his mother as a prostitute, which she resisted. Eventually, Mr. Williams and a friend beat Mr. Tuckenberg when Tuckenberg was found with his hands on Jerri Williams at the Madison Suites.

16. At the conclusion of the interview I informed Mr. Williams that Tuckenberg's DNA had been found on his mother's body, along with the DNA of Ed Mills, the maintenance man and the DNA of at least one other male. Mr. Williams immediately said that he can think of no reason why Tuckenberg's DNA would be on his mother's body.

### **Summary of Investigation**

The investigation of this case has established the following facts with regard to Brian Tuckenberg:

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- DNA found under the victim's right fingernails and in vagina;
- Known history of rape, strangulation and choking during sex;
- Statements that he has choked and killed others, and striking similarity between attacks;
- Repeated and aggressive efforts to recruit the victim as a prostitute;
- History of pimping, assaults on numerous women and extreme violence;
- Escorted another woman to Kelley Point park;
- Lies to investigators that he does not know the victim;
- Identification of Tuckenberry by McDonalds employee as a "morning customer" at the Fremont McDonalds;
- Stalking a young female victim in the vicinity of Madison high school; and
- History of renting and frequenting rooms at the Madison Suites where victim had lived.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on February 10, 2014.




---

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Federal Public Defender Chief Investigator

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Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF JANAN STOLL**

**vs.**

**NANCY HOWTON,**

**Respondent.**

---

I, Janan Stoll, declare:

1. On January 9, 2014, I accompanied Tricia Leishman and Kate Shoaff to the home of Arvette Davis, which is located at 5626 NE Church, Portland, Oregon. We introduced ourselves to Ms. Davis as investigators from the Federal Public Defender's office working on the Lisa Roberts habeas case. We explained that we were interested in speaking with her about her daughter, Ashley's contacts with Brian Tuckerry.

2. Ms. Davis agreed to talk with us and invited us in. She began by saying "We don't mention the name Brian Tuckerry around here." Ms. Davis told us that her daughter, Ashley had been involved with Mr. Tuckerry for approximately seven years and Ms. Davis and her husband were very disturbed by Mr. Tuckerry's violent treatment of their daughter. They were relieved when Ashley and Brian broke up.

3. Ms. Davis told us that Ashley met Mr. Tuckerry in 2002 when she was 16 years old and a student at Madison high school. Mr. Tuckerry had come to Portland from Vicksburg, Mississippi. Ashley met him at the MAX station by Lloyd Center. Mr. Tuckerry had come to Portland with a cousin who went by the nickname, "Miami."

4. After meeting Mr. Tuckerry, Ashley dropped out of high school. It appeared to Ms. Davis that Mr. Tuckerry was homeless. There were times when Ms. Davis would return home to find runaway kids in her basement that had been



brought in by Mr. Tuckenberg and Ashley. Ms. Davis would kick everyone out of the house unless it was too late at night. There were times when it seemed as if Ashley, too, was homeless. She would come to the house very dirty with a blanket wrapped around her. Ms. Davis was aware that Mr. Tuckenberg and her daughter were hanging out with a group of young people on 82nd Avenue, at the 82nd Avenue MAX platform, at Lloyd Center Mall, at Clackamas Town Center and near other MAX stations. Some of the people Mr. Tuckenberg and Ashley spent time with Ashley had known from high school and others were homeless youth. Many of the women in the group were prostituting and some were working as strippers. Some of the kids received food stamps or social security.

5. Ms. Davis was aware that Mr. Tuckenberg was selling crack cocaine. She believes he was smoking weed. When she first met Mr. Tuckenberg he was very polite and had a job at the Old Country Buffet, where Ashley had also worked. Over time, Ms. Davis realized Mr. Tuckenberg was "a weird boy." She heard that he had fondled a girl on a Greyhound bus and "would force himself on women" and "would live off of women."

6. Mr. Tuckenberg and Ashley had an apartment off SE. 82nd and Stark, near the McDonald's. They also lived in an apartment on Hawthorne, near MLK Blvd. Mr. Tuckenberg and Ashley would drink gin, become intoxicated and would engage in

physical altercations. Ms. Davis was often called by her daughter to defend her. She recalls being fearful that Mr. Tuckenberg would push Ashley out of the fifth floor window of their apartment. Once Mr. Tuckenberg burned Ashley's leg on the heater. Ms. Davis tried to get her daughter taken to JDH in an effort to get her away from Mr. Tuckenberg. Ms. Davis and her husband felt that Ashley and Mr. Tuckenberg had a bad relationship. Ms. Davis was worried that her husband would kill Mr. Tuckenberg if he had any idea how violent Mr. Tuckenberg had been with Ashley.

7. Ms. Davis recalls a time, earlier in their relationship, when Mr. Tuckenberg left Portland to return to Mississippi. Ms. Davis received a call from Ashley saying that she had taken a bus to Mississippi to be with him. Ms. Davis was very concerned about the situation. Ms. Davis was able to contact Mr. Tuckenberg's mother and sent her money for food for Ashley. Eventually, Mr. Tuckenberg and Ashley returned to Portland.

8. Ashley broke up with Mr. Tuckenberg when she discovered that he was cheating on her

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 31, 2014.

A handwritten signature in black ink that reads "Janan Stoll". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Janan Stoll  
Investigator, Federal Public Defender

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Federal Public Defender  
Alison M. Clark, OSB No. 080579  
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Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF KATE SHOAFF**

**vs.**

**NANCY HOWTON,**

**Respondent.**

---

I, Kate Shoaff, declare:

1. I am an investigative intern working at the Federal Public Defender's office. I have been working on the Lisa Roberts case since May 2, 2013. As part of this work I conduct investigation, make requests for documents and review discovery.

2. On June 5, 2013, William Teesdale, Chief Investigator, made a public records request for all police reports involving Brian Tuckerry. On June 20, 2013, the Office of the Federal Public Defender received many police reports regarding Brian Tuckerry. Among those police reports is a four-page Portland Police Investigation Report by Officer R. Graichen (BPST # 26238) concerning case number 03-3011. That case involved possible stalking and threats made to a juvenile female, Sanovia Tolliver, in October-December of 2002.

3. On June 6, 2013, Judge Marsh issued an Order granting Ms. Roberts's Motion requesting the State to produce: 1. A review, inspection, and copies of all of the Portland police files, Multnomah County prosecution files, concerning the investigation of the death of Jerri Lee Williams and 2. A review, inspection, and copies of all the State's records including police and prosecution files concerning Brian Tuckerry (CR 138). In response to this Order, the Federal Defender's office received discovery from the State on June 21, 24, July 3, 10 and 24, and August 14, 2013.

4. On August 30, 2013, the Federal Defender's office received a copy of the Portland Police Bureau paper file (PPB file) concerning the investigation of the death of Jerri Lee Williams.

5. The PPB file was produced on a CD, in electronic form and was broken down into seven pdf files. Each pdf file was named and numbered by the State. The Federal Defender's office added Bates numbers to the complete file.

State's Name of PDF File	State's Numbers	Federal Numbers	Defender's	Bates
Accordion #1.pdf	1 - 214	Roberts	006828 – 007041	
Accordion #2.pdf	1 - 276	Roberts	007042 – 007317	
Floating Loose – Not Bound.pdf	1 - 7	Roberts	007318 – 007324	
Notebook #1.pdf	1 - 769	Roberts	007325 – 008093	
Notebook #2.pdf	1 - 277	Roberts	008094 – 008370	
Rubber – Banded Loose.pdf	1 - 382	Roberts	008371 – 008752	
Unmarked Manila.pdf	1 - 281	Roberts	008753 – 009033	

6. One of the PPB electronic files was named “Rubber-Banded Loose.pdf” (State number 1 of 382; Roberts\_008371-008752). In this file, there is the four-page Portland Police Investigation Report by Officer R. Graichen (BPST # 26238) concerning case number 03-3011 (CR 167 @ 37-40 of 79; State number 313-316 of 382; Roberts\_008683-008686). As mentioned above, that case involved possible stalking and threats made by Brian Tuckenberg to a juvenile female, Sanovia Tolliver, in October-December of 2002. The only suspect listed on the report is Brian Tuckenberg.

7. The document directly preceding Graichen’s Tuckenberg report in “Rubber-Banded Loose.pdf” is a single page from a Steno-type pad with handwritten notes and the heading, “02-47807 Homicide 052502” (State number 312 of 382; Roberts\_008682). Immediately following Graichen’s Tuckenberg report in “Rubber-Banded Loose.pdf” is a report concerning Alex Shanks that defense investigator, Bob Cupit of Fasttrax Investigations prepared and presumably provided to the State (State number 317 of 382; Roberts\_008687). Further in “Rubber-Banded Loose.pdf”, I noticed a Steno-type pad cover that had Detective Austria’s business card attached and handwriting that read, “02-47807 Williams, Jerri Homicide 09-19-03 To” (State number 371 of 382; Roberts\_008741).

8. All of the other police reports in the PPB file concerning Tuckenberg are dated

2013 and are located in a small electronic file that the State named, “Floating Loose – Not Bound.pdf” (State number 1-7; Roberts\_007318-007324). Those documents were likely part of the investigation review that began after the discovery of new DNA evidence.

State’s Name of PDF File	State’s Numbers	Federal Defender’s Bates Numbers
Accordion #1.pdf	1 - 214	Roberts_006828 – 007041
Accordion #2.pdf	1 - 276	Roberts_007042 – 007317
*Floating Loose – Not Bound.pdf <b>(Tuckenberg 2013 documents)</b>	1 - 7	Roberts_007318 – 007324
Notebook #1.pdf	1 - 769	Roberts_007325 – 008093
Notebook #2.pdf	1 - 277	Roberts_008094 – 008370
*Rubber – Banded Loose.pdf <b>(Graichen’s Tuckenberg report)</b>	1 - 382	Roberts_008371 – 008752
Unmarked Manila.pdf	1 - 281	Roberts_008753 – 009033

9. On October 9, 2013, I went with FPDO Chief Investigator, William Teesdale, Assistant Federal Defender, Alison Clark, and Assistant Federal Defender, Michelle Sweet to the Portland Police Bureau evidence warehouse located in northwest Portland. Also present were DOJ Investigator, Micah Persons, Portland Police Detective Rich Austria and a female evidence tech. One of our main objectives of doing the in-person evidence view was to confirm that Graichen’s Tuckenberg report was in the section of the physical PPB file that was separate and distinct from the portion of the file that contained the more recent information about Tuckenberg.

10. For the evidence view, all of the evidence in the case was placed on long tables that lined the walls of the viewing room. Upon our request, the tech retrieved an item, placed it on a table in the middle of the room, and opened the package. Mr. Teesdale then photographed the item. Afterward, the tech rewrapped and secured the item and returned it to the tables lining the walls before another item was opened.

11. The complete PPB file of documents for the Williams case was in a cardboard box sitting on one of the long tables that lined the walls. We looked at several folders from that box.

12. In a group of papers that were bound together by a rubber band (photo, FPD\_00021112), I saw Graichen's Tuckenberg report (photo, FPD\_00021124). Graichen's Tuckenberg report was located in the file with 2003 documents, just as it was in the electronic copy of the PPB file called "Rubber - Banded Loose.pdf." It was preceded by the same page of handwritten notes with the heading "02-47807 Homicide 052502" and immediately followed by the same defense investigator report about Alex Shanks. Mr. Teesdale took a photograph of this document which depicts precisely where Graichen's Tuckenberg report is located in the physical file (photo, FPD\_00021123). Further down in the file, I noticed the same Steno-type pad that had Detective Austria's business card attached to the front and handwriting that read, "02-47807 Williams, Jerri Homicide 09-19-03 To" (photo, FPD\_00021129).

13. Also in the cardboard box with the PPB file, I saw the three loose documents concerning Brian Tuckenberg, dated 2013. I recognized these documents as those referred to in the electronic copy of the PPB file called, "Floating Loose – Not Bound.pdf." These documents were not attached or embedded in any of the other folders, nor were they bound together with any other documents. Mr. Teesdale took a photograph of these documents (photo, FPD\_00021141).

14. Having compared the electronic copy of the PPB file called "Rubber-Banded Loose.pdf" (State number 1 of 382; Roberts\_008371-008752) with the group of papers that were bound together by a rubber band and located in a box in the Portland Police Evidence Warehouse



(photo, FPD\_00021112), I can say without hesitation that Graichen's Tuckenberg report was located in the original PPB file, amongst investigation materials dated 2003, just as it was in the electronic copy of the PPB file. Further, I have no reason to believe that Graichen's Tuckenberg report had been misfiled. Graichen's Tuckenberg report was not part of any post-DNA discovery PPB file.

15. The Federal Defender's office has two copies of Graichen's Tuckenberg report. We received one on or about June 20, 2013, as the result of a public records request made by William Teesdale on June 5, 2013 (FPD\_000002). The only other copy is the one I refer to in this declaration and was produced to the Federal Defender on August 30, 2013, as part of the electronic copy of the PPB file.

16. I have reviewed all of the materials we received from Lisa Roberts' prior attorneys and Graichen's Tuckenberg report is not in those records.

17. Also of note in the PPB file is a map that includes the address of the victim in Graichen's Tuckenberg report, Sanovia Tolliver. It also includes the address where Tuckenberg reportedly often slept in 2003. The map is located in the State's file called "Unmarked Manila.pdf" (State number 1 of 281; Roberts\_008753-009033).

State's Name of PDF File	State's Numbers	Federal Defender's Bates Numbers
Accordion #1.pdf	1 - 214	Roberts_006828 – 007041
Accordion #2.pdf	1 - 276	Roberts_007042 – 007317
*Floating Loose – Not Bound.pdf <b>(Tuckenberg 2013 documents)</b>	1 - 7	Roberts_007318 – 007324
Notebook #1.pdf	1 - 769	Roberts_007325 – 008093
Notebook #2.pdf	1 - 277	Roberts_008094 – 008370
*Rubber – Banded Loose.pdf <b>(Graichen's Tuckenberg report)</b>	1 - 382	Roberts_008371 – 008752
*Unmarked Manila.pdf <b>(The Map)</b>	1 - 281	Roberts_008753 – 009033

18. The map in “Unmarked Manila.pdf” is comprised of two pages of printouts from the website called Portlandmaps.com (State numbers 213 & 214 of 281; Roberts\_008965-8966). Both printouts show search results for NE Jessup St. & NE 55<sup>th</sup> Ave, which is located in the Cully neighborhood in Portland.

19. Portlandmaps.com is a website that provides up to date public information about private and public property in the Portland Metro Area. The site offers datasets concerning anything from assessor and tax lot information, aerial photography, building footprints, and water and sewer schemes to zoning maps, and more.

20. The first page (State number 213; Roberts\_008965) displays the “Maps – Aerial Photo” page of the website and shows an aerial photograph of the neighborhood taken in 2003. This printout is dated December 4, 2004, three days after Lisa Roberts signed the plea. The website was accessed online at 9:55 a.m. I know this because the date and time are printed along the bottom of the document.

21. The second page (State number 214; Roberts\_008966) displays the “Maps Summary” page of Portlandmaps.com, which shows two small maps of the neighborhood. This printout is also dated December 4, 2004. The website was accessed online at 9:46 a.m..

22. These two printouts are located between the D.A.’s copy of Roberts’ Draft Motion to Suppress Search by Patrick Sweeney dated October 21, 2004 (State numbers 209-212; Roberts\_008961-008964) and cell tower and phone call maps that were likely created by the State to be used as Exhibits for trial (State numbers 215-218; Roberts\_008967-008970).

23. The victim in Graichen's Tuckenberg report, Sanovia Tolliver, lived in the area depicted on the map in 2003. I spoke with Ms. Tolliver on January 22, 2014 and she confirmed that she lived at 5317 NE Killingsworth when Graichen's Tuckenberg report was made.

24. The map also shows the home of a long-time girlfriend of Tuckenberg's named Ashley Davis. Ms. Davis lived at 5626 NE Church St. in 2003. On January 9, 2014, I accompanied FPD Investigator, Janan Stoll, to that address. Also present was FPD Paralegal, Tricia Leishman. We spoke with Davis' mother, Arvette Davis, who confirmed that, not only did her daughter, Ashley, live at the home in 2003, but Tuckenberg often slept in the basement of their home, along with many other "homeless kids." Arvette Davis said that Tuckenberg and Ashley were together for about seven years (*see* Cully map exhibit).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on January 31, 2014.



---

Kate Shoaff

Investigative Intern, Federal Public Defender

02-478017 Homicide 052502

MAISSA B. Johnson

F/B 65073

PIDS 843836

Polygraph

MCL 812407

Oct. 10 / Thurs.

SWISS 102321

1200

Loe M. Roberts

F/B 660705

SWISS 664442

1738849 BOTT, Christopher Michael  
SID<sup>d</sup> CA 0955-3935 FBI 361544 MAP 09-16-69

1795274 BOTT, Michael Sinclair 070772

PRUGITT, Billy Gene

m/w 041471

SID 07466795

FBI 582059 MAD

**Fasttrax Investigations**  
**PO Box 505**  
**Cascade Locks OR 97014**  
**Phone: (541)374-4406 Fax: (541)374-4418**

Bill Brennan and Associates  
William Brennan 79019, Attorney at Law  
Lafayette  
Portland OR 97214

RE: State Vs Roberts, Lisa  
Case Number: 040308-00290 , Your Case Number: 02-08-34931

Date: 11/03/2004

Subject: Alex Shanks

Dear William,

This is a summary report on Alex Shanks which you requested for the meeting with Underhill. Shanks became a person of interest early on in the investigation. We discovered that the decedant showed up sharing addresses with Shanks under various names, that the decedant, who never drove a car according to witnesses, had registered an number of cars which were either bought from Shanks, or which he was a co-signer on and there were numerous calls to a cell phone number which came back to Shanks the last week of Williams life. The cars which were registered to her, with the exception of one, disappeared from public records - she continued registering cars from Shanks after she was dead.

We learned from a number of witnesses that Jerri Williams had been involved in an operation in which she would register cars in her name, and then drive them to Southern California full of dope, where she would turn them over to a third party. Some of the witnesses, including the decedant's mother, Beverly Rogers, said that the person who arranged these transfers and provided the cars was a small Black male named "Joe". In the course of database searches on all known parties, we turned up a Joe Shanks, who we initially believed to be the subject's brother.

Kathleen Loop told me that a day or two before the murder, Jerri Williams was at her place at the Madison Suites on 82nd when Jerri met a Black male there - she thought his name was "Alex" and he brought her a used car which she said her "ex" was buying for her. She recalled that the doors were a different color than the body. I later interviewed Shanks, and asked him about Jerri buying cars from him - he told me that she had bought "bunches" of cars from him over the years. I asked him about the week of the murder, and he hedged, so I told him I had a witness from the Madison Suites that saw him deliver a car to her. He then said yes, he had taken a car to her and taken her down to DMV to register it in her name (there is no DMV record of this particular transaction). He didn't remember much about the car. He said that on Memorial Day Weekend of 2002, he called Jerri's cell phone and got a voice message saying she was going away to the beach for the weekend with a friend (there is no record of this call, and no one else reported her ever having a voice mail message). Later, I went to Sacramento and spoke with Edna Shanks, Alex' "ex". She told me that Alex always went by the

02-47807  
WILLIAMS, Jerri  
Homicide



CITY OF  
**PORTLAND, OREGON**  
BUREAU OF POLICE



**Detective Sergeant Rich Austria**  
Homicide Detail

1111 SW 2nd Avenue, Room # 1326  
Portland, Oregon 97204

Phone:  
(503) 823-0400

09-19-03 To



National Brand 36-646

60 SHEETS 6" x 9"  
EYE-EASE®  
GREGG 26



AVERY  
DENNISON

Office Products  
Brea, California 92821

Made in BRAZIL

CASE NUMBER <b>02-047807</b>		APPROVAL ROUTE <b>Homicide</b>		<b>PORTLAND POLICE BUREAU</b>		<b>SPECIAL REPORT</b>		TYPE: 4. SUPPLEMENTAL		PAGE/OF 1 / 2					
		CASE NUMBER		REFER CASE NUMBER		CLASSIFICATION									
		STATUS		ORIGINAL REPORT DATE		TIME		THIS REPORT DATE		TIME					
		4. Clr. by Arrest		05/25/02		1455		07/10/13		0900					
		LOCATION OF OCCURRENCE						PRECINCT OF OCCURRENCE							
		KELLY POINT PARK						North Precinct							
		SUBJECT OF THIS REPORT						CAD INCIDENT NUMBER							
		Homicide Investigation													
<b>COPIES</b> <input type="checkbox"/> DET <input type="checkbox"/> CENTRAL <input type="checkbox"/> EAST <input type="checkbox"/> NORTH <input type="checkbox"/> NE <input type="checkbox"/> SE <input type="checkbox"/> CAT <input type="checkbox"/> DHS/CHS <input type="checkbox"/> DVD <input type="checkbox"/> DVRU <input type="checkbox"/> ECRT <input type="checkbox"/> JDH <input type="checkbox"/> JUV <input type="checkbox"/> CS <input type="checkbox"/> DVCS <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____		<b>PERSON</b> SB - Subject   SI - Sick/Injured/Cared For   PE - Park Exclusion   VI - Victim   RP - Reporting Party   KN - Person w/Knowledge OW - Owner   WI - Witness   BU - Business   PF - Property Finder   MI - Missing   RW - Runaway   AR - Arrested													
		CODE		NAME: (Last, First Middle)				CRN		SEX	RACE	DOB			
		DE		WILLIAMS, JERRI LEE						F	W	11/13/66			
		ADDRESS				CITY				STATE		ZIP			
		<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MESSAGE PHONE				MOBILE PHONE				HOME PHONE					
		CODE		NAME: (Last, First Middle)				CRN		SEX	RACE	DOB			
		ADDRESS				CITY				STATE		ZIP			
		<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MESSAGE PHONE				MOBILE PHONE				HOME PHONE					
		<b>VEHICLE</b> L - Locate   A - Abandoned   T - Towed   V - Victim's Vehicle   X - Suspect Vehicle   I - Information   M - Missing													
		PROPERTY RECEIPT NO.													
		<b>PROPERTY</b> S - STOLEN   L - LOST   D - DAMAGED   F - FOUND   K - SAFEKEEPING   R - RECOVERED   E - EVIDENCE													
		<b>NARRATIVE (COMMENTS)</b> <b>CONNECT INFORMATION</b>  ROBERTS, LISA MARIE F/B, DOB 060765 PPDS #1771777 SID #14776586 FBI #965263WB9  <b>NONCONNECT INFORMATION</b>  <u>Additional Persons Referred To:</u>  TUCKENBURY, BRIAN LEE M/B, DOB 092077 PPDS #1884487 SID #15637725 FBI #115294CB7  <u>Additional Police Personnel Referred To:</u>  Sergeant Rich AUSTRIA, DPSST #25048, PPB Homicide Detail Supervisor Captain Robert STEWART, Vicksburg Mississippi Police Department  <b>NO EXHIBITS</b>													
<b>COMPUTER ENTRY</b>  <input type="checkbox"/> Desk  DPSST <input type="checkbox"/> Person  DPSST <input type="checkbox"/> Entry / Vehicle  DPSST <input type="checkbox"/> Distribution  DPSST															
		REPORTING OFFICER(S)				DPSST		PREC / DIV		RLF / SHIFT		ASSN / DIST		SUPERVISOR'S SIGNATURE	
		Christopher Traynor				36266		DET		M		HOM			
		PPB-SSD-TH													
		07-10-13 1247 <sup>423 (08/07)</sup> 1 of 7													

ROBERTS\_007318

CASE NUMBER  02-047807	APPROVAL ROUTE Homicide	<b>SPECIAL REPORT</b>	TYPE: 4. SUPPLEMENTAL	PAGE/OF 2 / 2
<b>PORTLAND POLICE BUREAU</b> <b>NO SUMMARY</b>				
<b><u>NARRATIVE</u></b>				
<p>On May 6, 2013, I met with Sergeant Rich Austria regarding PPB case number 02-47807, the 2002 murder of JERRI LEE WILLIAMS for which LISA ROBERTS was currently incarcerated. Sgt Austria explained the investigation was being reviewed and asked me to assist the review by conducting additional investigation as needed.</p>				
<b>COPIES</b> <input type="checkbox"/> DET <input type="checkbox"/> CENTRAL <input type="checkbox"/> EAST <input type="checkbox"/> NORTH <input type="checkbox"/> NE <input type="checkbox"/> SE <input type="checkbox"/> CAT <input type="checkbox"/> DHS/CHS <input type="checkbox"/> DVD <input type="checkbox"/> DVRU <input type="checkbox"/> ECRT <input type="checkbox"/> JDH <input type="checkbox"/> JUV <input type="checkbox"/> CS <input type="checkbox"/> DVCS <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____	<p>During the case review, Sergeant Austria explained DNA had been located on the person of the Deceased which had subsequently been identified as belonging to a black male named BRIAN LEE TUCKENBURY. I examined the PPDS database and located TUCKENBURY. I also examined the criminal history of TUCKENBURY and noted his early criminal history was apparently prosecuted in Vicksburg, MS.</p>			
<p>On May 16, 2013, at my request, Vicksburg PD (through Captain Stewart) emailed to me data maintained by them for BRIAN LEE TUCKENBURY. The data is attached to this report.</p>				
<p>I determined TUCKENBURY was incarcerated within the State of Oregon Prison System and was currently housed at the Deer Ridge Prison in Madras, OR. I reviewed the phone system maintained by the Dept of Corrections (DOC) and noted TUCKENBURY was actively calling persons inside and outside the state of Oregon. I reviewed several calls made by him, which were not related to the WILLIAMS homicide. I did not download or duplicate any of the data on the DOC system.</p>				
<p>On May 21, 2013, at the request of the OSP Crime Laboratory, I delivered evidence to the laboratory seized as part of the initial investigation. The items were stored on PER 804884 (2 blood swabs and 2 DNA standards) and on PER 832791 (4 DNA swabs - Alex Shanks).</p>				
<b>EXTERNAL DISTRIBUTION LIST</b>				
<b>COMPUTER ENTRY</b>				
<input type="checkbox"/> Desk				
DPSST <input type="checkbox"/> Person				
DPSST <input type="checkbox"/> Entry / Vehicle				
DPSST <input type="checkbox"/> Distribution				
DPSST				
REPORTING OFFICER(S) Christopher Traynor		DPSST 36266	PREC / DIV DET	RLF / SHIFT M
		ASSN / DIST HOM	SUPERVISOR'S SIGNATURE	
PPB-SSD-TH		<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div>		07-10-13 1247 <sup>423 (08/07)</sup> of 7

ROBERTS\_007319



# Oregon State Police Forensic Services Request

<b>Oregon State Police Forensic Services Request</b>		<input type="checkbox"/> Rush		<b>LAB USE ONLY</b>		Analyst Int. _____	
		Date Due: _____				Page: _____ of _____	
Agency <i>Klamath Falls</i>		DA Contact: (if known) _____ _____		Lab Case #  <i>02L-4563</i>		Sub #  _____	
Agency Case # <i>02-472-07</i>		<input type="checkbox"/> Additional Suspect Info Only <input type="checkbox"/> Previous Evidence Submitted					
Secondary Agency		Secondary Agency Case #		Restrict this case to: <input type="checkbox"/> Investigating Officer <input type="checkbox"/> Agency <input type="checkbox"/> Lab staff			
Offense <i>11-11-10</i>		<input type="checkbox"/> FMVA		Offense Date(mm/dd/yyyy)		County of Venue <i>Malheur</i>	
Last (Individual # 1) <i>William Perry</i>		First <i>John</i>		Middle <i>Lee</i>			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased		RACE <i>W</i>		<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		DOB(mm/dd/yyyy) <i>11/16/66</i>	
		SID #		FBI #		Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result _____	
Last (Individual # 2)		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased		RACE		<input type="checkbox"/> Male <input type="checkbox"/> Female		DOB(mm/dd/yyyy)	
		SID #		FBI #		Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result _____	
Last (Individual # 3)		First		Middle			
<input type="checkbox"/> Suspect <input type="checkbox"/> Mentioned <input type="checkbox"/> Victim <input type="checkbox"/> Deceased		RACE		<input type="checkbox"/> Male <input type="checkbox"/> Female		DOB(mm/dd/yyyy)	
		SID #		FBI #		Breath Test Given? <input type="checkbox"/> Yes <input type="checkbox"/> No Result _____	
Investigating Officer (Please Print) <i>Chief Thomas</i>		Phone # of Investigating Officer <i>(503) 823-4409</i>		Email of Investigating Officer			
Lab Exhibit	Agency Exhibit	Description of Evidence (Please associate evidence with appropriate individual, if applicable)				Exam Requested (Please include officer report on all physical evidence)	
		<i>Flora Pot: 874904</i>				<i>Therapy note</i>	
		<i>2 x clear bags</i>					
		<i>2 x small white bags</i>					
		<i>Flora Pot: 232-791</i>					
		<i>4 small clear bags</i>					
		<i>Blue Socks</i>				<i>804884</i>	
The OSP Forensic Services Division shall select appropriate methods based on the type of evidence and information provided.							
Submitted to Lab By (Please Print) <i>Chief Thomas</i>		Submitted to Lab By (Signature) <i>[Signature]</i>				Date <i>5/12/13</i>	
Submitted via <input type="checkbox"/> UPS <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other		<b>LAB USE ONLY</b>					
Date / Time <i>5-21-13 11:30 AM</i>		<i>Two (2) HSI P.O. #106202</i>					
Lab Staff <i>[Signature]</i>							
Evidence Transfer or Referral Received From:		Via: <input type="checkbox"/> UPS		Date/Time		Lab Staff	
						<input type="checkbox"/> Item(s) <input type="checkbox"/> Submission 3 of 7	



# DA Rap Sheet

Office of the District Attorney  
Ninth Circuit Court District  
P.O. Box 648  
Vicksburg, MS 39181  
601-636-5754  
Fax: 601-636-8664  
MS075015A

**TUCKENBERRY, BRIAN**

B M 9/28/1977 426-31-1910

TUCKENBERRY, BRIAN

6192

B M 9/28/1977 426-31-1910

Arrest Date: WARREN

Open by DA: CLOSED , FELONY 12382V

NOPIC.BMP

Sent Date: 3/25/1996 Escape Attorney:

1 YR. R.I.D. PROG., C.C. \$146., ST. ASSMT. \$117., TOTAL \$263. TO BE PD IN MO. INSTALLMENTS AS SET BY HIS PROBATION OFFICER UPON RELEASE FROM R.I.D. THIS CAUSE SHALL RUN CONSECUTIVE TO CAUSE 12362V.

TUCKENBERRY, BRIAN

6173

B M 9/28/1977 426-31-1910

Arrest Date: WARREN

A005086

Open by DA: CLOSED FELONY 12362V

NOPIC.BMP

Sent Date: 3/25/1996 Weapon - Possession On Educational Property Attorney:

2 YRS. R.I.D. PROG. FINE \$1,500., C.C. \$146., ST. ASSMT. \$117., TOTAL \$1,763. TO BE PD ON TERMS SET BY HIS PROBATION OFFICER. CAUSE # 12382V IS TO RUN CONSECUTIVE TO THIS SENTENCE.

TUCKENBERRY, BRIAN

6218

B M 9/28/1977 426-31-1910

Arrest Date: WARREN

A005087

Open by DA: CLOSED FELONY 12408P

NOPIC.BMP

Sent Date: 5/13/1996 Escape Attorney:

NOLLE PROSEQUI DEF. ENTERED GUILTY PLEA IN 12382V

Thursday, May 16, 2013

Page 1 of 1

4 of 7

ROBERTS\_007321

Exhibit 14  
Page 15

MASTER NAME INDEX REPORT  
05/15/2013 15:35

-----PERSON INFORMATION-----

MNI #: 9800002711      FBI #:      STATE #:      RAP #: 0000000000  
NAME: TUCKENBERRY, BRIAN LEE      BIRTH PLACE: ,  
DATE OF BIRTH: 09/28/1977      AGE FROM/TO: 024/024  
SOCS NUMBER: 426-31-1910      SEX: M      RACE: B      ETHNICITY:  
HEIGHT FROM/TO: 5'06"/5'06"      WEIGHT FROM/TO: 1'30"/1'30"  
EYE COLOR: BRO      HAIR COLOR: BLK  
ADDRESS: 03024 SECOND ST  
CITY/STATE/ZIP: VICKSBURG MS 39180  
DRIVER LICENSE:      STATE:      EXP YEAR: 0000  
PHONE #: (601)636-4871      PHONE TYPE:

-----CONTACT INFORMATION-----



Arrest Control

Arrest Number: 9500002866 - Date: 19951019 - Time: 2031  
Charges: WEAPONOFEL - Verdict: - GRAND JURY  
Charges: DRIVEBYRECK - Verdict: - GRAND JURY  
Arrest Number: 9800001634 - Date: 19980528 - Time: 0332  
Charges: DISCONFALL1 - Verdict: - \$250, \$75 SUSP  
Charges: PUBDRK - Verdict: - \$105, \$25 SUSP  
Arrest Number: 0000004476 - Date: 20001216 - Time: 2036  
Charges: FALSEINFO - Verdict: - \$375.00 / FORFEIT CARSON BOND 02-14-01  
Arrest Number: 0000004384 - Date: 20001130 - Time: 0430  
Charges: DISCONFALL1 - Verdict: - \$225.00 02-14-01



Court Reporting

Docket Number VCPDCTY000000010400 - Court Date 02/14/2001 - Status PD  
Charge: DIS. CONDUCT-FAIL TO COMPLY | Verdict: GUILTY  
Charge Status: | Charge Date: 11/30/2000 | Action Date:  
Docket Number VCPDCTY000000010884 - Court Date 02/14/2001 - Status PD  
Charge: FALSE INFORMATION TO PO | Verdict: GUILTY  
Charge Status: | Charge Date: 12/16/2000 | Action Date:  
Docket Number VCPDCTY950000007174 - Court Date 10/20/1995 - Status CL  
Charge: DRIVE-BY SHOOTING, RECKLESS | Verdict: BOND TO GRAND JURY  
Charge Status: | Charge Date: 10/19/1995 | Action Date:  
Charge: | Verdict: BOND TO GRAND JURY  
Charge Status: | Charge Date: 10/19/1995 | Action Date:  
Docket Number VCPDCTY980000004327 - Court Date 05/29/1998 - Status CL  
Charge: DIS. CONDUCT-FAIL TO COMPLY | Verdict: GUILTY  
Charge Status: | Charge Date: 05/28/1998 | Action Date:  
Charge: PUBLIC DRUNKENESS | Verdict: GUILTY  
Charge Status: | Charge Date: 05/28/1998 | Action Date:  
Docket Number VCPDCTY990000002895 - Court Date 05/28/1999 - Status CL  
Charge: FAIL TO APPEAR | Verdict: GUILTY  
Charge Status: | Charge Date: 05/28/1999 | Action Date:  
Charge: DISTURBING THE PEACE/MUSIC | Verdict: GUILTY  
Charge Status: | Charge Date: 05/15/1999 | Action Date:



Pawn Shop

Pawn number: - Date: - Ticket Number:  
Pawn number: S00001023770000 - Date: 11280800 - Ticket Number:  
Pawn number: S00001021020000 - Date: 10040800 - Ticket Number:  
Pawn number: A00000726970000 - Date: 06270800 - Ticket Number:



Incident Reporting

Report Number: 9400029064 - Date: 19940903 - Type Report: CONV  
Status: Offense: BRGBLDG/CARS Person Type: SUS  
Report Number: 9500000829 - Date: 19950130 - Type Report: CONV  
Status: Offense: WEAPONDIS Person Type: SUS  
Report Number: 9590002000 - Date: 19951019 - Type Report: CONV  
Status: EE Offense: ASLTSINTO Person Type: SUS - ARR  
Report Number: 9700010756 - Date: 19971109 - Type Report: CONV  
Status: Offense: ASLTS/HAND Person Type: VIC  
Report Number: 9800005356 - Date: 19980528 - Type Report: CONV  
Status: CA Offense: PUBDRK Person Type: SUS  
Report Number: 0100016747 - Date: 20011117 - Type Report: I  
Status: Offense: ASLTS/HAND Person Type: SUS  
Report Number: 0000013003 - Date: 20001216 - Type Report: I  
Status: CA Offense: IMPEQP2 Person Type: ARR  
Report Number: 0000012281 - Date: 20001130 - Type Report: I  
Status: CA Offense: DISCONFALL1 Person Type: ARR  
Report Number: 0000006963 - Date: 20000716 - Type Report: I  
Status: Offense: BRGDWL/F/NIGHT Person Type: VIC - COMP  
Report Number: 0000005126 - Date: 20000524 - Type Report: I  
Status: Offense: MVA-L Person Type: VIC - OWN



#### Warrant Control System

Warrant Number: 04-4009A - Status: C - Issue Date:  
Warrant Number: 03-6363 - Status: C - Issue Date:  
Warrant Number: 00-10400FTP - Status: ACT - Issue Date:



#### Vehicles

0000 OLDS | GRY/ Lic Number: VHC247  
1985 OLDSMOBI | / Lic Number: BHP 640  
1994 MITSUBIS | BLU/ Lic Number: NH9 100



#### People

, DOB: 00/00/0000  
, DOB: 00/00/0000  
FORD,PEPIE YVETTE DOB: 06/28/1963 SS Number: [REDACTED]  
GRAY,CEDRICK 5'11" 180 pounds DOB: 12/30/1979 SS Number: [REDACTED]  
HANDY,KENDRICK DOB: 07/29/1978 SS Number: [REDACTED]  
JENKINS,JAMES 5'04" 135 pounds DOB: 09/22/1954 SS Number: [REDACTED]  
PARSON,JOSEPH 5'09" 143 pounds DOB: 01/22/1984 SS Number: [REDACTED]  
REED,LAWRENCE 5'03" 130 pounds DOB: 08/26/1976  
SANDERS,ANTHONY  
SELVY,RECO 5'10" 165 pounds DOB: 04/16/1971  
SMITH,MICHAEL KARL JR 6'00" 160 pounds DOB: 02/06/1977 SS Number: [REDACTED]  
WYATT,JAMES DOB: 04/08/1935

Report Released By: \_\_\_\_\_ Date/Time: 05/15/2013 15:35



# PORTLAND POLICE BUREAU

## Property / Evidence Transfer Receipt

The following items were transferred to the undersigned by:  
Jacob M. Gittlen on August 20, 2013

Item Count	Item Barcode	Item Description	Case #
1	 10635303	PAPERWORK MISC Receipt #:906516 Description:1) 2 INVESTIGATIVE CASE BINDERS	02-47807
2	 10635304	PAPERWORK MISC Receipt #:906516 Description:2) 3 INVESTIGATIVE CASE FOLDERS	02-47807

Reason: FURTHER INVESTIGATION

Comment: by JG #45022

*Sgt. R Austria #25048*

Signed by:Det. Sgt. Rich Austria #25048

8/20/13 2:13 pm

### Custody Transfer

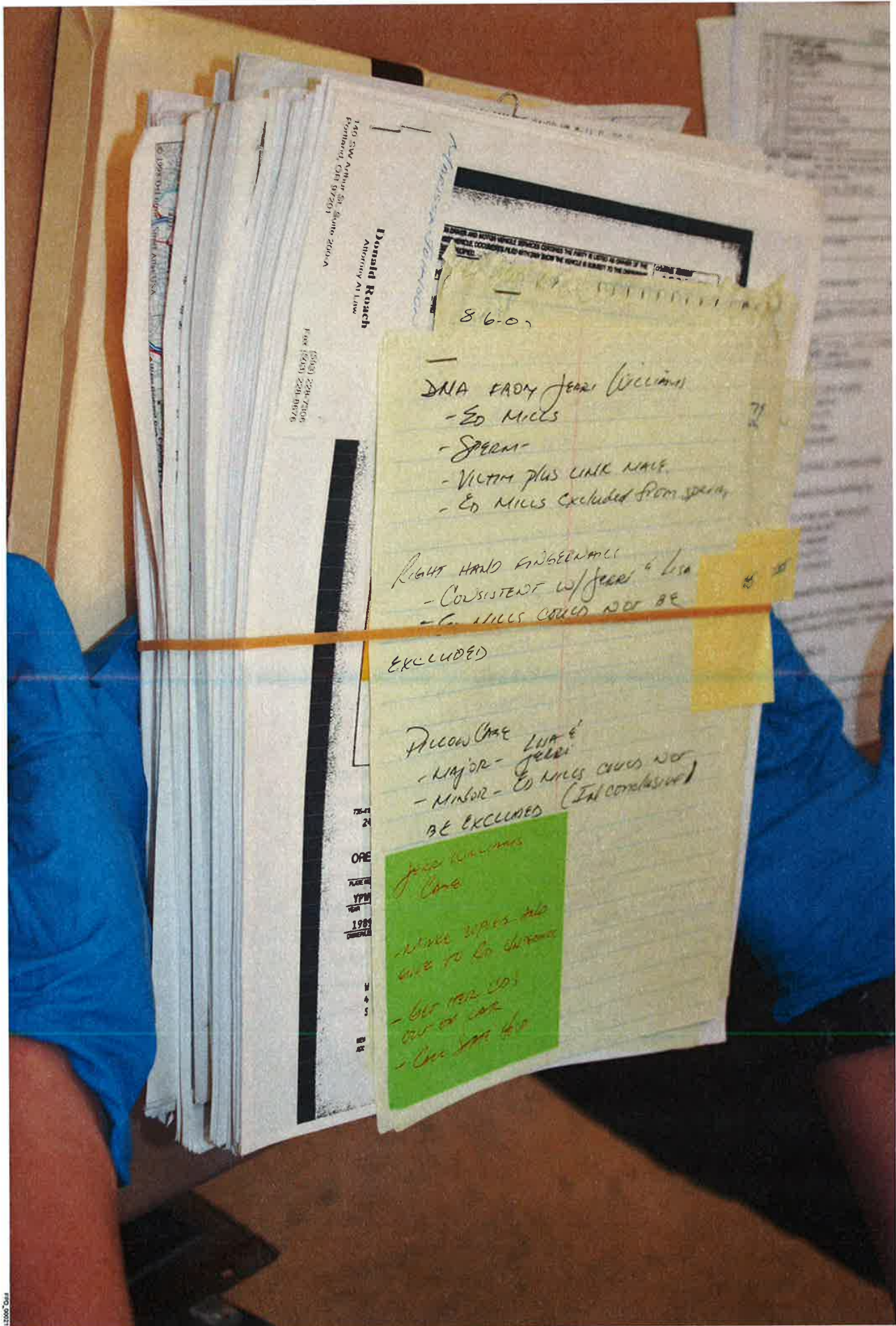
\*\*\*\*\*

The above items were received by: \_\_\_\_\_ on: \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name & Agency

7 of 7

ROBERTS\_007324



Donald Roach  
Attorney At Law  
140 S.W. Arthur St., Suite 200-A  
Portland, OR 97201

(503) 224-7206  
Fax (503) 224-8676

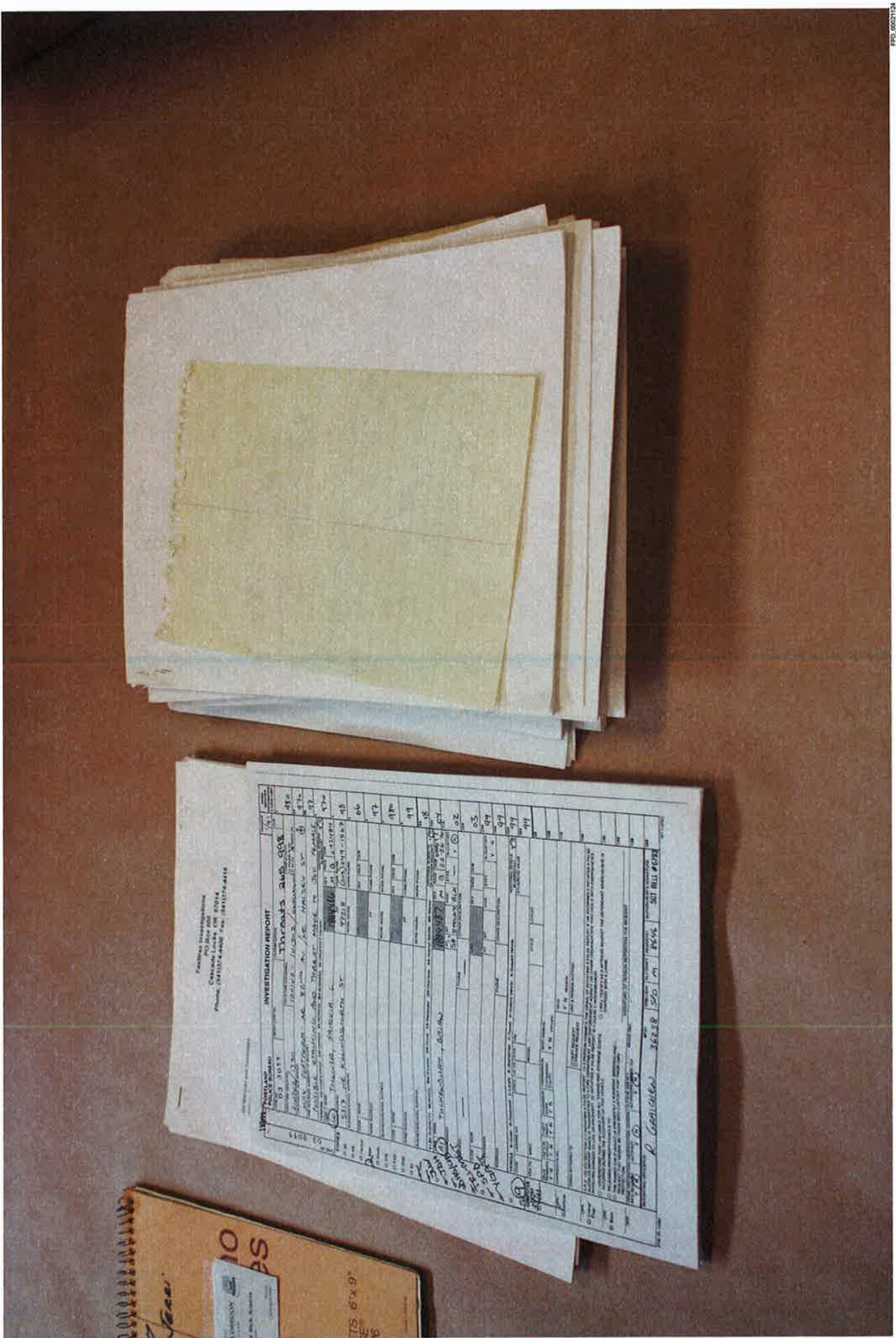
86-0,  
DNA FROM JEAN WILLIAMS  
- ED MILLS  
- SPERM  
- VICTIM PLUS LINK NAIL  
- ED MILLS EXCLUDED FROM SPERM

RIGHT HAND FINGERPRINTS  
- CONSISTENT w/ JEAN & LISA  
- ED MILLS COULD NOT BE  
EXCLUDED

PRISON CASE  
- MAJOR - LISA & JEAN  
- MINOR - ED MILLS COULD NOT  
BE EXCLUDED (IN CONCLUSIVE)

JEAN WILLIAMS  
CASE  
- LISA & JEAN  
- ED MILLS COULD NOT  
BE EXCLUDED (IN CONCLUSIVE)





[illegible]



02-47807  
WILLIAMS, Jerri  
HOMICIDE



09-19-03 To



 National Brand 36-646

60 SHEETS 6"x 9"  
EYE-EASE®  
GREGG 26



AVERY  
DENNISON

Office Products  
Brea, California 92821

Made in BRAZIL





STEVEN T. WAX  
Federal Public Defender  
STEPHEN R. SADY  
Chief Deputy Defender  
Bryan E. Lessley ▲  
Christopher J. Schatz  
Ellen C. Pitcher  
Craig Weinerman ▲  
Mark Bennett Weintraub ▲  
Gerald M. Needham  
Thomas J. Hester  
Ruben L. Iniguez  
Anthony D. Bornstein  
Lisa Hay  
Susan Russell  
Patrick Ehlers  
Francesca Freccero

**FEDERAL PUBLIC DEFENDER  
DISTRICT OF OREGON**

**101 SW Main Street, Suite 1700  
Portland OR 97204  
503-326-2123 / Fax 503-326-5524**

**Branch Offices:**

859 Willamette Street  
Suite 200  
Eugene, OR 97401  
541-465-6937  
Fax 541-465-6975

15 Newtown Street  
Medford, OR 97501  
541-776-3630  
Fax 541-776-3624

C. Renée Manes  
Amy Baggio  
Neil Brown  
Kristina Hellman  
Harold DuCloux III  
Allison M. Clark  
Brian Butler+  
Thomas E. Price  
Michelle Sweet ★  
Mark Ahlemeyer ★

*In memoriam*  
Nancy Bergeson  
1951 - 2009

▲ Eugene Office  
+ Medford Office  
★ Research/Writing Attorney

June 5, 2013

Ryan Rees, Custodian of Records  
Portland Police Bureau  
1111 S.W. Second Avenue, Room 1126  
Portland, Oregon 97204

Re: *Lisa Marie Roberts v. Nancy Howton*,  
CV 08-1433-MA

Dear Mr. Rees:

Our office represents Ms. Roberts in a pending federal habeas corpus matter. The federal case involves a challenge to an earlier manslaughter convicting Mr. Roberts received in *State v. Roberts*, Multnomah County 02-08-34931, PPB# 02-47807. Investigation conducted in the federal case involving re-testing of DNA extracts, and new testing of the original evidence have generated new exculpatory evidence leads which I need to follow up on. I am, therefore, writing to request the following information:

**Brian Tuckenberg, M/B SID# 1567725, DOB 9/28/1977**

1. All PPB police reports and all other data regarding Brian Tuckenberg. 21
2. Complete PPDS printout including address history and all known Associates.
3. LEDA/NCIC printout regarding Brian Tuckenberg.
4. Any other agency reports, data, or other information maintained by PPB regarding Brian Tuckenberg.

**"Flavell" M/B** *um*

5. Any reports or PPDS entry referencing any known black male associate of Tuckenberg by the name "Flavell."
6. Any PPDS entry referencing a black male by the name "Flavell," known to have been to the Madison Apartments, located at 3620 NE 82<sup>nd</sup> Avenue,

1309

FPD\_00000002

June 5, 2013  
Page 2

Portland, during May 2002. Flavell is also believed to be an associate of the victim, Jeri Williams (DOB 11/13/1966).

**Madison Apartments, 3620 NE 82<sup>nd</sup> Avenue, Portland**

7. PPDS incident and call history for the address for the month of May, 2002.

**Alex Shanks Jr., M/B DOB 3/26/1958**

8. All PPB police reports and all other data regarding Alex Shanks. 6
9. Complete PPDS printout, including address history and all known associates.
10. LEDS/NCIC printout.

**Edward Ray Mills, M/W DOB 4/17/1938**

11. All PPB police reports and other data regarding Ed Mills. 1
12. Complete PPDS printout, including address history and all known associates.
13. LEDS/NCIC printout.

**Kelly Point Park**

14. PPDS incident history for Kelly Point Park in May 2002.

I am enclosing a check for \$10 for the minimum amount, but understand that the final amount will be higher. Please let me know in advance if the fees for the records will likely exceed \$100. Please do not hesitate to contact me at [william\\_teesdale@fd.org](mailto:william_teesdale@fd.org) or 503-547-5264 if you have any questions.

Sincerely,



William J. Teesdale  
Federal Public Defender Chief Investigator

WT/sls

Enclosure

cc: Steven T. Wax, Federal Public Defender  
Alison Clark, Assistant Federal Public Defender

FPD\_00000003

# PortlandMaps

[New Search](#) | [Mapping](#) | [Help](#)**NE JESSUP ST & NE 55TH AVE - CULLY - PORTLAND**[Explorer](#) | [Property](#) | **[Maps](#)** | [Crime](#) | [Census](#)[Summary](#) | [Elevation](#) | [Garbage](#) | [Hazard](#) | **[Photo](#)** | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [Transportation](#) | [Zoning](#)**Aerial Photo****2003** / '02 / '01 / '00 / '98 / '96

6" / 2' / 4' / 10' / 20'

Streets: [On](#) / [Off](#)   Lots: [On](#) / [Off](#)   Dot: [On](#) / [Off](#)

0 | ————— | 217 FT

City of Portland, Corporate GIS

12/4/2004

THE GIS APPLICATIONS ACCESSIBLE THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY OF DATA FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. THE CITY OF PORTLAND MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREON. THE USER OF THESE APPLICATIONS SHOULD NOT RELY ON THE DATA PROVIDED HEREON FOR ANY REASON. THE CITY OF PORTLAND EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED, REGARDLESS OF HOW CAUSED. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THE APPLICATIONS IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREON. IN ORDER TO BE SURE OF COMPLETE ACCURACY, PLEASE CHECK WITH CITY STAFF FOR UPDATED INFORMATION.

[Address](#) | [Mapping](#) | [Advanced](#) | [Help](#) | [About](#)

PortlandMaps © 2004 City of Portland

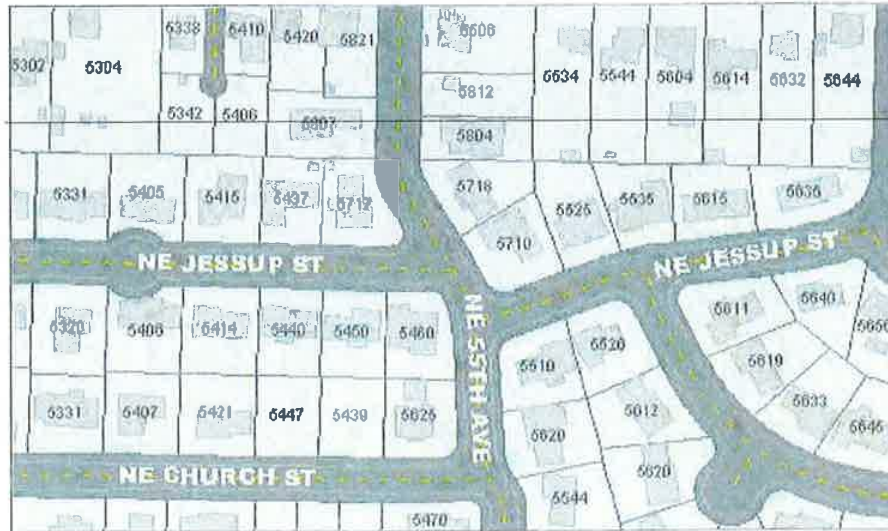
# PortlandMaps

[New Search](#) | [Mapping](#) | [Help](#)

## NE JESSUP ST & NE 55TH AVE - CULLY - PORTLAND

[Explorer](#) | [Property](#) | **[Maps](#)** | [Crime](#) | [Census](#)
[Summary](#) | [Elevation](#) | [Garbage](#) | [Hazard](#) | [Photo](#) | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [Transportation](#) | [Zoning](#)

### Property & Location



### Zoning

Property	
Zone	R7
Description	<u>Residential 7,000</u>
Overlay	n/a
Comp Plan	R7
Comp Plan Overlay	n/a
Historic District	n/a
Conservation District	n/a
Plan District	n/a
NRMP District	n/a
Urban Renewal District	n/a
Zoning Map	n/a





DA'S COPY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,

Case No. 02-08-34931

Plaintiff,

vs.

LISA MARIE ROBERTS,

MOTION TO SUPPRESS SEARCH

Defendant.

ORAL ARGUMENT REQUESTED

**I. UTCR 4.050 INFORMATION**

Pursuant to UTCR 4.050, counsel estimates that testimony and oral argument on this Motion to Suppress will take 120 minutes. Counsel requests the services of an official court reporter.

**II. MOTION**

COMES NOW defendant, Lisa Marie Roberts, by and through counsel, William Brennan and Patrick John Sweeney, who respectfully moves this court for an Order suppressing all illegally obtained evidence, and any and all fruits derived there from, gained as a result of the illegal search and seizure by Portland Police Officers and/or any other law enforcement personnel.

This Motion is made in good faith, is not for purposes of delay, and is based upon, but not limited to, the fact that Defendant's residence was searched and several items allegedly located therein were seized in violation of state and federal statutory/constitutional law. Specifically, (1) the affidavit in the search warrant fails to establish probable cause to search the residence described in the warrant; and (2) the execution of the warrant was unlawful.

\\ \\ \\

\\ \\ \\

\\ \\ \\

PAGE 1 of 3 – Motion to Suppress Search

PATRICK JOHN SWEENEY, P.C.  
6500 SW Macadam Avenue, Suite 300  
Portland, Oregon 97239  
(503) 491-5156

209 of 281

ROBERTS\_008961

Exhibit 14  
Page 28

1 In support of this Motion, Defendant relies upon the Fourth and Fourteenth Amendments to  
2 the United States Constitution, Article I, Section 9 of the Oregon Constitution, the points and  
3 authorities cited herein, all pleadings, records, and files in this case, any additional authorities,  
4 evidence and/or arguments that may be produced at the hearing on this Motion.  
5

### 6 **III. FACTS**

7 On August 16, 2002, Portland Police officers, acting under the authority of a search warrant  
8 (attached hereto as Exhibit No. 1), entered the residence located at 7865 SE 65<sup>th</sup> Avenue, Portland,  
9 Oregon. Once inside, officers searched and seized several items, which the defense expects the state  
10 to introduce into evidence at trial. [The defense expects that additional and contrary facts will be  
11 presented at the hearing on this motion.]  
12

### 13 **IV. ARGUMENT**

14 Under state and federal law a warrantless search is *per se* unreasonable unless the state meets  
15 it burden of proving that it falls within one of the limited exceptions to the warrant requirement.  
16 U.S. v. Sartin, 262 F Supp 2d 1154 (D Or 2003); State v. Stevens, 311 Or 119, 126 (1991); *See also*  
17 United States Constitution, Amendment IV and XIV and Oregon Constitution Article I, section 9. A  
18 warrant must contain a level of "probable cause" sufficient that a reasonable officer can rely on the  
19 warrant affidavit. U.S. v. Leon, 468 U.S. 897 (1994). Warrants, based on "probable cause"  
20 provided by a concerned citizen, must include information established the basis of that person's  
21 knowledge and their veracity. State v. Russell, 122 Or App 261 (1993). A search warrant must  
22 specifically describe the places and items to be search or seized. State v. Plowman, 43 Or App 25  
23 (1979); State v. Vermaas, 116 Or App 413 (1992); *see* ORS 133.565(2). In executing a warrant, the  
24 warrant must be read a loud and a copy given to the person in control. ORS 133.575(3). Following  
25  
26

PAGE 2 of 3 – Motion to Suppress Search

PATRICK JOHN SWEENEY, P.C.  
6500 SW Macadam Avenue, Suite 300  
Portland, Oregon 97239  
(503) 491-5156

210 of 281



1 the service of the warrant, it must be returned to the issuing judge with a list of the items seized as  
2 soon as possible, but in no event longer than the time specified in the warrant. ORS 133.615.

3 In the present case, the warrant at issue failed to establish sufficient probable cause, was  
4 based on unreliable and unverifiable information, was not properly executed and was otherwise  
5 improperly and served.  
6

7 **V. CONCLUSION**

8 Because the warrant was not based on probable cause and was not properly executed, any  
9 and all evidence resulting from the search and seizure on August 16, 2004, should be suppressed.  
10

11 **DATED** October 21, 2004  
12

13  
14  
15 \_\_\_\_\_  
16 Patrick John Sweeney, OSB #96120  
17 Of Attorneys for Defendant  
18  
19  
20  
21  
22  
23  
24  
25  
26

PAGE 3 of 3 – Motion to Suppress Search

PATRICK JOHN SWEENEY, P.C.  
6500 SW Macadam Avenue, Suite 300  
Portland, Oregon 97239  
(503) 491-5156

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ROBERTS\_008963

## **CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of Defendant's Motion to Suppress and evidence by the method(s) indicated below, on October 22, 2004 and addressed to the following:

Office of the District Attorney  
DDA Rod Underhill  
1021 SW Fourth  
Room 600  
Portland, Oregon 97204

- ☐ **Hand Delivery**
- ☐ **First Class U.S. Mail**
- ☐ **Facsimile Transmission**
- ☐ **Federal Express/Express Mail**

PATRICK JOHN SWEENEY

---

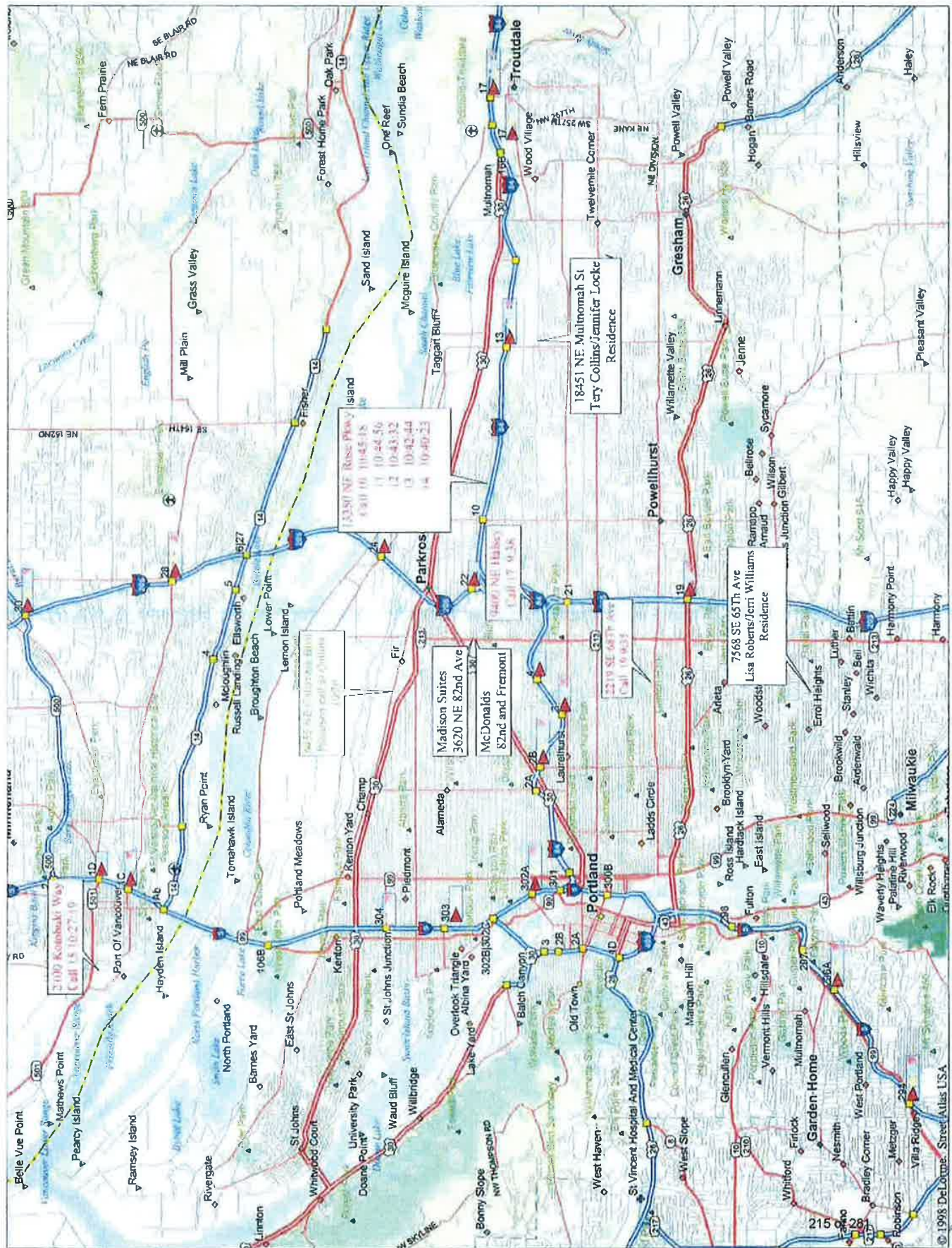
Patrick John Sweeney, OSB No. 96120  
Of Attorneys for Defendant

Certificate of Service - 1

SWEENEY & BURDZIK  
Attorneys at Law  
317 SW Alder, Suite 975  
Portland, Oregon 97204

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ROBERTS\_008964



ROBERTS\_008967



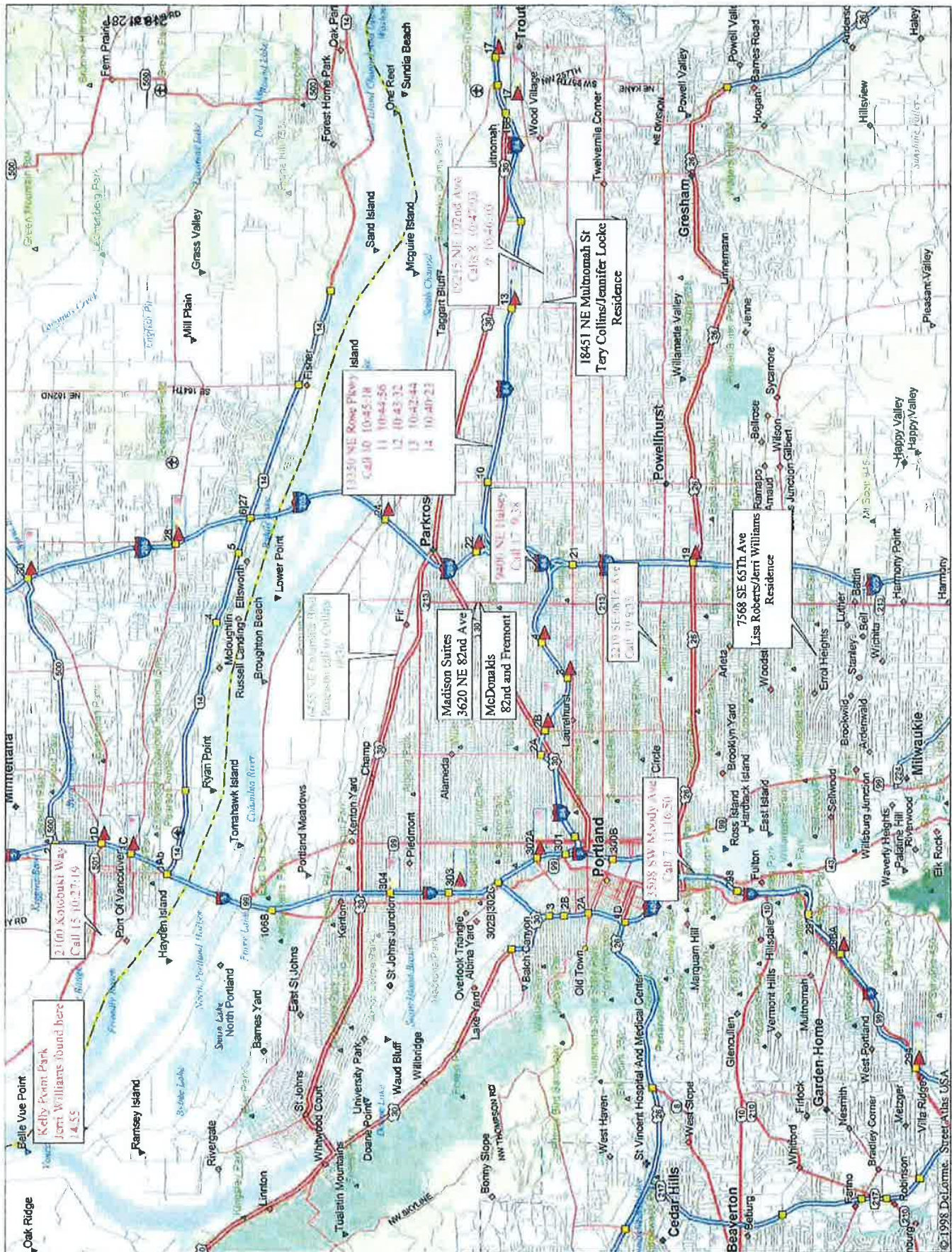


ROBERTS\_008968









ROBERTS\_008970



NE JESSUP ST & NE 55TH AVE - CULLY - PORTLAND

[Summary](#) | [Elevation](#) | [Garbage](#) | [Hazard](#) | **[Photo](#)** | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [Transportation](#) | [Zoning](#)

Aerial Photo

2003 / 02 / 01 / 00 / 98 / 96 5' / 2' / 4' / 10' / 20' Streets: On / Off Lots: On / Off Dot: On / Off



City of Portland, Corporate GIS

12/4/2004

[Address](#) | [Mapping](#) | [Advanced](#) | [Help](#) | [About](#)

PortlandMaps © 2004 City of Portland

1 of 1

12/4/2004 9:55 AM  
21307281

ROBERTS\_008965

This document was in the PPB electronic file called "Unmarked Manila.pdf" that was produced to FPD on 08/30/2013.

NE Jessup St.

5317 NE Killingsworth St.  
Sanovia Tolliver's  
residence in 2003.

5626 NE Church St.  
Ashley Davis' residence in 2003. On January 9, 2014, Ashley's mother, Arvette Davis, told FPD investigators that Brian Tuckenberg used to hang out and sleep in the basement of her family's home. Tuckenberg met Ashley Davis and began to date her when she was 16. Tuckenberg and Ashley were together for about seven years. Arvette Davis said that Ashley is now 27.

NE Church St.

NE Killingsworth St.

This was printed  
on 12/04/2004,  
three days after  
Lisa Roberts  
signed the plea.



CITY OF  
**PORTLAND, OREGON**  
BUREAU OF POLICE

VERA KATZ, MAYOR  
Mark A. Kroeker, Chief of Police  
1111 S.W. 2nd Avenue  
Portland, Oregon 97204

Officer Henry Groepper  
Acting Public Information Officer  
Phone: (503) 823-0830  
Pager: (503) 790-1779

May 26, 2002

## **NEWS RELEASE**

### **UPDATE DEATH INVESTIGATION CLASSIFIED AS HOMICIDE (Kelly Point Park)**

An autopsy conducted by the Medical Examiner's Office on Sunday, May 26, 2002 determined that the woman, whose body was found in Kelly Point Park on May 25<sup>th</sup>, had died of strangulation.

The woman, whose identity is still unknown, is a white female believed to be in her late 20's to early 30's. She is approximately 5'7" tall and 135 pounds with brown hair and green eyes.

According to investigators, it is unknown at this time if the woman died at or near the location where her body was found, or if her body was brought to the area where she was found.

Anyone with information is asked to contact Portland Police Bureau Homicide Detectives Mike Larson or Rich Austria at the Detective Division at (503) 823-0400.

The investigation is continuing.

###PPB###

AN EQUAL OPPORTUNITY EMPLOYER  
City Government Information TDD (for hearing and speech impaired) 823-6868

723 of 769

ROBERTS\_008047



PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER <b>No. 805871</b>		DATE/TIME <b>08/16/02 1541 PM</b>		REFER CASE NO.		PPB CASE NO. <b>02-47807</b>	
<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP <input type="checkbox"/> SAFEKEEPING		I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING					
PROPERTY TAKEN FROM	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
HOME ADDRESS		CITY		STATE		ZIP	
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.				
HOME ADDRESS		CITY, STATE, ZIP		PHONE		SEX	RACE DOB
TYPE OF INCIDENT <b>Search Warrant</b>				DELIVERING OFFICER <b>Det. T. Slamon</b>		BPST/ASSIGN <b>39922</b>	
LOCATION WHERE SEIZED, FOUND, SURRENDERED <b>7865 SE 65 Ave</b>				INVESTIGATOR (IF DIFFERENT) <b>Det. M. Karpis</b>		BPST/ASSIGN <b>8769</b>	
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
<input checked="" type="checkbox"/> SUSPECT	<b>Roberts</b>	<b>Lisa</b>	<b>M</b>	<b>F</b>	<b>B</b>	<b>060765</b>	
FOR GUNS LIST MAKE TYPE, CALIBER, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SECTION.						STLN	FOR PEU USE ONLY
ITEM 1	<b>BLACK SUITCASE "ROME COLLECTION"</b>						
	<b>FROM NW BEDROOM</b>						
ITEM 2	<b>SECTION OF MAY 28, 2002 OREGONIAN</b>						
	<b>WITH ARTICLE RE: WILLIAMS FROM KITCHEN</b>						
ITEM 3	<b>2002n Service Agreement - Customer Lisa Roberts</b>						
	<b>(971) 219-4188 From N.W. Bedroom</b>						
ITEM 4	<b>KENO TICKETS FROM DRESSER</b>						
	<b>DRAWER IN NE BEDROOM</b>						
ITEM 5	<b>OID #3996500 WILLIAMS, Terri Lee</b>						
	<b>From N.E. Bedroom</b>						
ITEM 6	<b>White sealed envelope containing hair</b>						
	<b>From N.E. Bedroom</b>						
ITEM 7	<b>Two items of paperwork</b>						
	<b>From N.W. Bedroom</b>						
ITEM 8	<b>Correspondence from Williams to Roberts from purple</b>						
	<b>binder found in N.W. Bedroom</b>						
DELIVERED TO: <input checked="" type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> PROP. ROOM		LOCKER <b>C26</b>		DATE <b>08/17/02</b>		RECEIVED BY	
CHECK ONE ONLY: <input checked="" type="checkbox"/> CRIMINALISTICS <input type="checkbox"/> OTHER							
DO NOT WRITE IN SPACE BELOW — FOR PROPERTY ROOM USE ONLY							
IN	DRIED AND ACCEPTED IN PROPERTY ROOM			BY		WHITE - RECORDS COPY YELLOW - CITIZENS RECEIPT PINK - WITH PROPERTY	
TIME:							

25  
ROBERTS\_00002

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT NUMBER	No. 805872	DATE/TIME	081602 1541	AM PM	REFER CASE NO.	PPS CASE NO.	02-47807
<input checked="" type="checkbox"/> ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PRISONER'S PROP <input type="checkbox"/> SAFEKEEPING							
PROPERTY TAKEN FROM	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
HOME ADDRESS	CITY		STATE		ZIP		
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.				
HOME ADDRESS	CITY, STATE, ZIP		PHONE		SEX	RACE	DOB

TYPE OF INCIDENT	DELIVERING OFFICER	BPST/ASSIGN					
Search Warrant	Capt. J. S. Laver	29995					
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)	BPST/ASSIGN					
7865 SE 65 Ave	Det. M. Larson	48764					
<input type="checkbox"/> DEFENDANT <input checked="" type="checkbox"/> SUSPECT	LAST NAME	FIRST	M.I.	SEX	RACE	DOB	
	ROBERTS	Lisa	M	F	B	060765	
FOR GUNS LIST MAKE TYPE, CALIBER, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN LIST ONLY ONE ITEM PER SECTION						STLN	FOR PEU USE ONLY

ITEM 1	Pillowcase		
	From N.W. Bedroom		
ITEM 2	Spiral Notebook containing written note		
	From N.W. Bedroom garbage can		
ITEM 3	Photograph		
	From kitchen table		
ITEM 4	Pillowcase		
	From chair at kitchen table		
ITEM 5	Pad containing handwritten notes		
	From atop magazine rack in living room		
ITEM 6	Black duffle bag "Follow the Coo Career Path"		
	Cont. misc. make-up, keys from living room		
ITEM 7	Evidence Notice - 7865 SE 65 07-15-02		
	to Lisa Roberts - From living room floor		
ITEM 8	One piece of mail to Terri Williams		
	From living room floor		

DELIVERED TO	<input checked="" type="checkbox"/> STATE CRIME LAB <input checked="" type="checkbox"/> PROP. ROOM	LOCKER	DATE	RECEIVED BY
CHECK ONE ONLY	<input type="checkbox"/> CRIMINALISTICS <input type="checkbox"/> OTHER	C26	081702	

DO NOT WRITE IN SPACE BELOW — FOR PROPERTY ROOM USE ONLY

INVT DE	VIEWED AND ACCEPTED IN PROPERTY ROOM	BY	WHITE - RECORDS COPY YELLOW - CITIZENS RECEIPT PINK - WITH PROPERTY
	TIME:		

26

ROBERTS\_000026

## Police identify body discovered in Portland park

The body of a woman found in a Portland park along the Willamette River during the weekend was identified Monday as that of Jerri Lee Williams, 35.

An autopsy performed Sunday, a day after Williams' body was discovered at Kelley Point Park, found that she had been strangled.

Her last known address was in Southeast Portland, said Officer Henry Groepper, a Portland police spokesman.

Shortly before 3 p.m. Saturday, a woman waved down a police officer and reported finding the body near the park's north parking lot.

Homicide detectives were trying to determine whether Williams died at the North Portland park or was taken there after she was killed, Groepper said. Investigators had not released information Monday about when Williams was killed.

Portland homicide detectives are asking anyone with information about Williams to call 503-823-0400.

— Joseph Rose

Practically  
Indispensable

ROBERTS\_005734

BUREAU OF POLICE  
CITY OF PORTLAND, OREGON  
1132 SW 17th AVE. 823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

RECEIPT  
NUMBER **No. 799391**

DATE/TIME **9/16/02 1400 PM**

AM REFER CASE NO.

PPB CASE NO.

**02-47807**

CHECK ONE TYPE **ONLY** ☒ EVIDENCE

☐ FOUND PROPERTY

☐ PRISONER'S PROP

☐ SAFEKEEPING

PROPERTY  
LAST NAME **Camp** FIRST **WITHCOMBE** M.I. **BLOG** SEX **6550** RACE **6550** DOB  
HOME ADDRESS CITY STATE ZIP

OWNER OF  
PROPERTY  
LAST NAME **ROBERTS** FIRST **LISA** M.I. **M**

HOME ADDRESS CITY, STATE, ZIP PHONE

I VOLUNTARILY RELINQUISH  
THE ITEM(S) LISTED FOR  
SAFEKEEPING

SIGNATURE  
SEX RACE DOB

TYPE OF INCIDENT

**HOMICIDE**

DELIVERING OFFICER

**M. GRATH**

BPST/ASSIGN

**2114/5**

LOCATION WHERE SEIZED, FOUND, SURRENDERED

**Camp WITHCOMBE Bldg 6550**

INVESTIGATOR (IF DIFFERENT)

**M. LARSON / AVIGLIA**

BPST/ASSIGN

**8754/15048**

☒ DEFENDANT

☐ SUSPECT

LAST NAME **ROBERTS** FIRST **LISA** M.I. **M**

SEX

**F**

RACE

**B**

DOB

FOR GUNS LIST MAKE, TYPE, CALIBER, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN

LIST ONLY ONE ITEM PER SECTION

STLN

FOR PEU USE ONLY

**SINGLE PHOTOGRAPH FROM CUBICLE WALL. NL 21A  
ON REAR SIDE**

**PAGE FROM THE OREGONIAN, TUE MAY 28, 2002  
FROM CUBICLE WALL**

**GREEN MEMORANDA NOTEBOOK FROM DESKTOP**

**PERSONAL COMPUTER - MAIN CASE ONLY.**

**See # W66 MRL 9347-1001**

**NO MORE**

DELIVERED TO: ☐ STATE CRIME LAB ☒ PROP ROOM  
CHECK ONE ONLY ☐ CRIMINALISTICS ☐ OTHER

LOCKER

DATE

RECEIVED BY

DO NOT WRITE IN SPACE BELOW — FOR PROPERTY ROOM USE ONLY

ENTORED AND ACCEPTED IN PROPERTY ROOM  
DATE: TIME:

BY

WHITE - RECORDS COPY  
YELLOW - CITIZENS RECEIPT  
PINK - WITH PROPERTY

ROBERTS\_000817



...the body of a woman found in a Portland park, along the Williams River, during the weekend, was identified Monday as that of Lynn Lee Williams, 33.

The walk began in Portland on New Year's Day and headed south to Los Angeles, Calif., turning east in Blythe, Calif., more than 250 people walked with Miller her dog and the black Labrador retriever, a dog named Washington, D.C. It received a police escort down Broadway Avenue.

Miller gave the dog to the Portland Police Department of New York.

## Police identify body discovered in Portland park

The body of a woman found in a Portland park, along the Williams River, during the weekend, was identified Monday as that of Lynn Lee Williams, 33.

An autopsy performed Sunday, a day after Williams' body was discovered at Kelley Park, showed that she had been strangled.

Her last known address was in Southwest Portland, said Officer Henry Lenzner, a Portland police spokesman.

Shortly before 3 p.m. Sunday, a woman went down a police officer and reported finding the body near the park's athletic parking lot.

Homicide detectives were trying to determine whether Williams died at the Kelley Park park or was taken there after she was killed. Croppers said, investigators had not traced information Monday about when Williams was killed.

Portland homicide detectives were working with information about Williams in mid-1983.

—Joseph Rhee



...the body of a woman found in a Portland park, along the Williams River, during the weekend, was identified Monday as that of Lynn Lee Williams, 33.

## Jerome T. Lazzelle

...the body of a woman found in a Portland park, along the Williams River, during the weekend, was identified Monday as that of Lynn Lee Williams, 33.

Elizabeth A. Gergely

...the body of a woman found in a Portland park, along the Williams River, during the weekend, was identified Monday as that of Lynn Lee Williams, 33.



#177177

Lisa M. Roberts . 7805 SE 65th 05-24-02/1950  
WIC. Camp Wythiconsp Flw 6705 Ave call 971-219-4188  
Nat'l Guard. - (503) 557-5491  
Hm 788-0590 Madison H.S.

Lisa dropped her off @ 8pm (Fremont)  
She was heading towards Madison Suite  
She was supposed to meet someone to go  
camping

- She was her partner, living here.

Known for 2 years.

- Dropped her off between 0915-0930 ~~at the~~

- She had a bag w/ her and clothes.

- Had cell phone w/ her, w/ telephone book.

- When Lisa has her stepdaughter  
Jerri stays w/ Dennis out in  
St Johns.

- Lisa spoke to Dennis @ 1045  
before she picked up her stepdaughter.

Relatives in Salem

Mom, brothers, (Jim Rogers. deceased)

Mom - Rogers,

- Lisa had no messages from

Ex husband - Todd Williams

- Ed stays @ Madison Suites in room #111

- Lisa called Ed last night and this  
morning.

- She was not doing prostitution. She stopped  
dancing. Don't know about drugs, smoked  
weed. Shot something up

6 of 769

- Dropped her off @ McDonalds then left to pick up step daughter @ 1815/Multnomah.
- She would have met Ed or Kathy, she spoke to Kathy around 8:00 hours. Don't know the conversation.
- Supposedly Kathy's son got caught drinking and she was asking how Kathy was doing.
- Jerri will go to Dennis' house  
Dennis - 286-2900  
In St. Johns where the bus's end lives on North Central.  
- Dennis retired.

- She had black bag/white purse.
- The children (girls) live w/ their father.
- Jerri and Todd don't get along.  
Todd was going to hit Jerri in front of her.
- The worst thing was he knocked her out and raped her in front of the kids.
- In March she spoke to Aaron (her son)

Jerri knew Frank  
Arnett

live off of  
Sandy

No problems w/ Ed & Dennis. They are just friends.

Accident on Friday 8<sup>th</sup> / Foster  
Truck belongs to Lisa & Terry Collins  
03-48313 / ps 04-02  
15-23

She was going to meetings 1 and 2  
a day. Going for almost 2 months.  
She's been clean.

Went to hospital last Monday at  
3<sup>rd</sup> of this month. Lisa broke her finger.  
Jeri said she was bleeding from  
kidney stones (Emmanuel Hospital)

- She danced @ a lot of places.  
Don't when she stopped dancing.
- They got back together before XMAS
- Any fights - One fight that was physical.  
Lisa beat her up - Jeri beat Lisa's  
eye EX put in jail. Lisa beat her up.
- Lisa still has contact w/ her ex.
- Lisa dropped off her ex @ the airport  
to go to Reno. Lisa picks her up Tuesday.

Lisa met Jeri @ the farm house (bar on 8<sup>th</sup>)  
doing karaoke.  
- Jeri loved to sing.



Steven T. Wax, OSB No. 85012  
Federal Public Defender  
Alison M. Clark, OSB No. 080579  
Assistant Federal Public Defender  
101 SW Main Street, Suite 1700  
Portland, OR 97204  
Tel: (503) 326-2123  
Fax: (503) 326-5524  
Email: steve\_wax@fd.org  
alison\_clark@fd.org  
Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Petitioner,**

**vs.**

**NANCY HOWTON,**

**Respondent.**

**Case No. 3:08-cv-01433-MA**

**DECLARATION OF KATE SHOAFF**  
*(Interview of Cathleen Phillips and Miki Hall)*

---

I, Kate Shoaff, declare:

1. On January 10, 2014, I accompanied FPDO Investigator, Janan Stoll, to 1122 SE Mt. Hood Hwy in Gresham, Oregon. We met with Cathleen Phillips (formerly, Cathleen Martin) and Miki Hall.

2. Phillips said that she was a resident at the Madison Suites back in 2002. She lived there for 2-3 years, first in apartment #102 and then later in apartment #104. At that time, she was prostituting for dope and money. Phillips said that, at the Madison Suites, she mostly kept to herself and only befriended one woman, her neighbor, Miki Hall.

3. Hall said she lived at the Madison Suites in 2002 and that she was a “working girl” back then. She lived in room #103 for about a year and a half. Hall said the names “Jerri Williams,” “Foxy or Foxy Lady”, “Mississippi” and “Miami” sounded familiar. She also said that “Mississippi” was a pimp. She did not know any of their real names.

4. Phillips and Hall told us that it is common practice for pimps to work with partners. Prostitutes work with one pimp and the pimp has a partner called a “pimp partner,” who also has his own group of prostitutes. Phillips and Hall said that it was very common for pimp partners to have three-ways with one of the pimp’s prostitutes.

5. I asked Phillips and Hall if they had ever seen a late 70’s model blue van at the Madison Suites. Hall said that she did remember seeing a blue van like that at the Madison Suites. Hall did not recall who drove the van.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and

belief and that this declaration was executed at Portland, Oregon, on January 31,  
2014.



---

Kate Shoaff  
Investigative Intern, Federal Public Defender

**Cherry Biometrics, Inc.  
6162 Vine Forest Court  
Falls Church, VA 22044  
201-513-8300**

January 31, 2014

**Response to Special Agent Michael R. Bethers' Declaration**

I have carefully reviewed Special Agent (SA) Michael R. Bethers recent declaration and I still find zero geo-location evidence that places Petitioner Lisa Roberts anywhere near the crime scene.

The following is my response to the relevant points discussed by SA Bethers in his eight page declaration provided to me by counsel for Ms. Roberts. SA Bethers does not address my earlier report which states that the call detail records available in this case are insufficient to make a determination of Lisa Roberts' location, except that on May 25, 2002, at 10:27 a.m., she was within range of cell tower 106 (415 E. 13<sup>th</sup> Street, Vancouver, WA) and tower 5 (Kotobuki Way, Vancouver, WA). Since the potential range of a cell phone handset signal is 20 plus miles, Ms. Roberts could have been anywhere within a 20 mile radius of those cell phone towers. Determining her precise location with the available Call Detail Records is therefore not possible.

SA Bethers makes a number of claims in his declaration that I find to be incorrect. Since those claims (particularly those relating to Ms. Roberts being at Camp Withycombe, or never having said that she was west of Interstate 205) do not relate to the scientific issues involved in an evaluation of the cell phone evidence, I will not address them here.

SA Bethers provides some general information about how phone handsets connect with cell towers, but does not address the more important cell phone network issues that determine how the provider's network uses proprietary software to determine which of many overlapping cell towers in range of the handset will be used to handle a specific call. The variety of those factors is outside the scope of this report, but can be summarized as follows:

1. Billing and Routing factors – for example it may be cheaper for a provider to use one tower versus another tower, leading the network to route calls to that particular tower instead of another in range tower. There are a wide variety of such business management related factors that are unrelated to whether the tower the call is connected to has the strongest measurable signal, as long as it has an adequate signal to handle the call.
2. Operational Management factors – such as network software routing calls to a particular tower because it happens to be less busy. Or changes in the cell tower network, an example of which might be the provider moving a mobile tower to provide additional

capacity during an expected holiday or sporting event that would generate higher than normal call volume in a particular geographic area.

3. The large cell phone providers, such as Verizon, operate extremely complex phone networks controlled by computer algorithms that are closely guarded trade secrets. Exactly how each network makes its decisions to balance their cell tower resources is not publicly known.

In Paragraph 5 SA Bethers acknowledges a cell phone handset's exact location can not be determined from the cell tower assigned to connect that call but a "general whereabouts" can. No measure for "general whereabouts" is stated. Thus let me provide a boundary for "general whereabouts."

A cell phone's radio-frequency signal is omni-directional. At .6 watts, a typical power output, the signal radiates out to a theoretical limit of 31.2 miles. Terrain such as hills, buildings, and obstructions, will shorten this distance. Assuming, then, a usable signal of 20 miles, a cell phone handset can be located somewhere within 1200+ square miles of any cell tower.

Calculation: Applying the formula for the area of a circle we have  $A = \pi \cdot r^2$ , thus 20 times 20 equals 400, times pi (3.14) equals 1,256 square miles.

In this case we have no cell tower sector information, therefore the 1200+ square mile area is the minimum "general whereabouts" SA Bethers references.

In most cases cell site towers are partitioned into three sectors. Thus, each sector would provide service for 1/3 of a circle or 120 degrees. Dividing 1,256 by 3 equals 418.67 square miles, and, indeed, one can state with assurance that the cell phone handset is located somewhere within this pie-shaped region. That, however, is as specific as one can legitimately be in attempting to identify the location of a cell phone handset based on knowing only the location of the cell tower and antenna face (sector) used to connect that call. Any other conclusion is sheer conjecture.

For comparison, the area of Portland OR comprises 145 square miles which represents one third of the calculated area a tower and sector can cover.

In Paragraph 7 SA Bethers states that petitioner's statement of not traveling west of Interstate 205, is not possible. We have demonstrated the huge area a cell phone signal can potentially travel to reach its connecting tower. No geo-location evidence is provided to support SA Bethers' opinion of impossibility. Additionally, RF signals merely radiate outward until absorbed or attenuated, they are not consciously "defeating" anything.


In Paragraph 8 SA Bethers states that petitioner's call "originated in Vancouver." Yes the connecting tower is located in Vancouver, but the location of the caller can be 20 miles from that tower. We can not determine the location of the caller with any greater specificity. Additionally, the fact that the usual connection tower for her work site calls was tower 64, is irrelevant. On the day in question, that tower may not have been in service, or simply too busy to handle her specific call. We have no information on tower usage activity or tower outages.

In Paragraph 11 SA Bethers states that cell tower data can provide "useful, accurate information about a person's whereabouts." Agreed, Petitioner is in the greater Portland area, not in Seattle or anywhere else. However, to categorically state that "she was not west of I-205 on May 25, 2002" is totally without scientific foundation.

In my professional opinion, juries have been materially misled regarding the significance of Call Detail Records. Such records were never intended to, and do not indicate:

- a.) The locations of other cell towers near the cell phone handset;
- b.) The distance from the tower or strength of signal of the handset at the time of the call;
- c.) The identity of other towers used during a call, and, most critically;
- d.) The identity of the tower closest to the handset.

Simply put, specific handset location information is not obtainable from historical Call Detail Records. No measurable data is presented to support geo-location. A cell phone network is so complex and so variable moment to moment that one cannot infer anything that would be deductive, repeatable, or contain any degree of assurance or reliability about cell phone handset location from the single tower that connected it to the provider's network.

A handwritten signature in cursive script, reading "Manfred Schenk". The signature is written in dark ink on a light-colored background.

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Manfred Schenk  
Cherry Biometrics, Inc.

**EXHIBIT 23**  
**EXCERPTS OF POLICE REPORTS AND TRANSCRIPTS OF**  
**INTERVIEWS OF LISA ROBERTS**

Detective Austria's report of interview on May 26, 2002

Roberts stated that she had last seen Williams on Saturday morning between 0915-0930 hours, when Roberts dropped Williams off at 82<sup>nd</sup> Avenue and Fremont Street, near the McDonalds, where Roberts last saw her walking towards the Madison Suites Motel, on NE 82<sup>nd</sup> Ave. (Roberts\_000162, p.3)

Detective Austria's report of interview on May 28, 2002

Roberts stated that she got to the McDonald's at NE 82<sup>nd</sup> Avenue and NE Fremont Street. Roberts watched as Williams got out of the truck with her black bag of clothes and approach the front door to McDonalds. (Roberts\_000162, p. 8)

Detective Austria's report of interview on August 6, 2002

Instead, Roberts explained that she was going to drop Williams off at the Madison Suites Apartments to stay with Ed Mills for the weekend. Roberts stated that she instead dropped Williams off at the McDonalds on NE 82<sup>nd</sup> Avenue and then left from there to pick up Jennipher Locke at her residence near Gresham. (Roberts\_000230, p.4-5)

Transcript of phone conversation between Detective Austria and Ms. Roberts on August 6, 2002

Austria: Right, okay, yeah the, you told me that. Um, and when you dropped her off, you just, you dropped her off at McDonald's ...

Roberts: Yes. (Roberts\_000244, p.6)

Detective Rae Klein's report of interview on August 16, 2002

Roberts says she and Jerri left their home a little after 0900. Roberts retraced her driving route, saying she drove NB on 82<sup>nd</sup> Avenue, and dropped Jerri off at the McDonald's near 82<sup>nd</sup> Ave/Fremont.  
(Roberts\_000399, p. 5)

Transcript of recorded interview by Detective Austria of Ms. Roberts at East Precinct on August 16, 2002

We leave, we, I take 82<sup>nd</sup> up, and she asked me to drop her off at McDonalds, she wanted to get something to eat and I asked her, I was like, well I could , wait here for you, drop you off down there, she's like no, go ahead and get ' JEN. And I's like okay. And I gave her a kiss and told her I see her after the holidays and I started pull out and like when I hit 82<sup>nd</sup>, I seen her reaching for the door and that was, that was the last I saw. (Roberts\_007346, p. 12 of 46)



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**LISA MARIE ROBERTS,**

**Case No. 3:08-cv-01433-MA**

**Petitioner,**

**DECLARATION OF MAIA GODET**

**vs.**

**NANCY HOWTON,**

**Respondent.**

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I, Maia Godet, declare:

**Page 1 - DECLARATION OF MAIA GODET**

1. I am a former investigator at the Federal Public Defender in Portland, Oregon. I retired April 29, 2011. From 2008 until my retirement, I was the assigned investigator on the Lisa Roberts habeas corpus case.

2. On April 10, 2010, I interviewed Bob Cupit along with Assistant Federal Public Defender Alison M. Clark. Mr. Cupit was the lead investigator on the Lisa Roberts case when it was before the Multnomah County Trial Court. I understand that Mr. Cupit died in a January 21, 2011, car accident. I have recently reviewed materials from my 2010 interview with Mr. Cupit.

3. Mr. Cupit told us that he talked to Ms. Roberts on the day of her guilty plea. He was not in agreement with Ms. Robert's lawyer, Bill Brennan, that Ms. Roberts should enter a plea of guilty. Mr. Cupit spoke to Ms. Roberts on the day of the plea and he remembered telling her about the fact that there would be racial bias in a jury pool. Ms. Roberts is biracial and part African American. Mr. Cupit told Ms. Roberts that she would not get a black jury, nor would she even get two black members of the jury. He also explained that her sexual orientation would be negative as well. Based on his perception of attitudes in 2002, he told her that less than ten to fifteen percent of any jury pool would be supportive of gays. Mr. Cupit said that Ms. Roberts was concerned that this would affect a trial.

4. Mr. Cupit also had the impression that Ms. Roberts was vulnerable to persuasion and that her military background, in terms of submission to authority, was in play in considering a plea.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed at Portland, Oregon, on February 6, 2014.

A handwritten signature in cursive script, reading "Maia Godet", written over a horizontal line.

Maia Godet  
Former Investigator, Federal Public Defender